

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**THE NATIONAL FEDERATION OF THE BLIND OF VIRGINIA,
Nacarlo Courtney, William Hajacos,
Michael McCann, Wilbert Rogers,
Kevin Muhammad Shabazz,
Patrick Shaw, and William Stravitz,**

Plaintiffs,

v.

Case No. 3:23-cv-127-HEH

VIRGINIA DEPARTMENT OF CORRECTIONS; Chadwick Dotson, Director of the Virginia Department of Corrections, in his individual and official capacities; Harold Clarke, former Director of the Virginia Department of Corrections, in his individual and official capacities; Barry Marano, ADA Coordinator of the Virginia Department of Corrections, in his individual and official capacities, Kevin Punturi, Warden of Greensville Correctional Center, in his individual and official capacities; Darrell Miller, Warden of Deerfield Correctional Center, in his individual and official capacities; Tammy Williams, former Warden of Deerfield Correctional Center, in her individual capacity; Lane Talbott, ADA Coordinator of Greensville Correctional Center, in her individual and official capacities; Lakeisha Shaw, ADA Coordinator of Deerfield Correctional Center, in her individual and official capacities; Larry Edmonds, former Warden of Greensville Correctional Center, in his individual capacity; Officer D. Smith, in his individual capacity; Armor Correctional Health Services, Inc.; VitalCore Health Strategies; Vincent Gore, M.D., in his individual capacity; Alvin Harris, M.D., in his individual capacity, and Pranay Gupta, M.D., in his individual capacity,

Defendants.

**AMENDED COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND
MONETARY RELIEF**

The National Federation of the Blind of Virginia (“NFB-VA”), Nacarlo Courtney, William Hajacos, Michael McCann, Wilbert Rogers, Kevin Muhammad Shabazz, Patrick Shaw, and William Stravitz (“Individual Plaintiffs”) hereby file this Amended Complaint against the Virginia Department of Corrections (“VDOC”); Chadwick Dotson, Director of VDOC; Barry Marano,

ADA Coordinator of VDOC; Kevin Punturi, Warden of Greenville Correctional Center (“Greenville”); Darrell Miller, Warden of Deerfield Correctional Center (“Deerfield”); Lane Talbott, ADA Coordinator at Greenville; Lakeisha Shaw, ADA Coordinator at Deerfield (collectively, “VDOC Defendants”); Larry Edmonds, former Warden of Greenville; Tammy Williams, former Warden of Deerfield; Armor Correctional Health Services, Inc. (“Armor”); VitalCore Health Strategies (“VitalCore”); Vincent Gore, M.D.; Alvin Harris, M.D.; Pranay Gupta, M.D., and Officer D. Smith.

INTRODUCTION

1. Individual Plaintiffs are blind¹ men who, at all relevant times, have been incarcerated in the custody of VDOC.

2. Because they are blind, VDOC Defendants have denied Individual Plaintiffs equal access to services, programs, and activities for which they are qualified, and which are available to nondisabled prisoners.

3. VDOC Defendants have refused to reasonably modify VDOC policies to accommodate Individual Plaintiffs and other blind prisoners, refused to provide auxiliary aids and services needed for them to participate in VDOC programs, and otherwise discriminated against them. As such, Individual Plaintiffs and other blind prisoners are denied equal access to VDOC programs, including education, work, mail, library services, recreation, and events.

4. Armor and its employees and/or agents, VitalCore and its employees and/or agents, Dr. Gupta, and Dr. Harris denied and unreasonably delayed providing Mr. Stravitz necessary medical treatment for his cataracts.

¹ We use blind in its broad sense, to include people with low-vision and other vision impairments that substantially limit their ability to see.

5. Armor and its employees and/or agents, VitalCore and its employees and/or agents, and Dr. Gore, denied and unreasonably delayed providing Mr. Courtney necessary medical treatment for his keratoconus.

JURISDICTION AND VENUE

6. This Court has jurisdiction over Plaintiffs' claims under the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the U.S. Constitution and 42 U.S.C. § 1983 for monetary damages and injunctive relief because those claims arise under federal law. 28 U.S.C. §§ 1331, 1343.

7. This Court has supplemental jurisdiction over Plaintiffs' state-law claims pursuant to 28 U.S.C. § 1367 because the facts of the federal and state law claims form part of the same case or controversy.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2), as all of the events giving rise to the claims occurred in the Eastern District of Virginia.

PARTIES

9. Plaintiff Nacarlo Antonio Courtney was, at all times relevant to this suit, a prisoner in the custody of VDOC. From November 2021 to March 2023, Mr. Courtney was housed at Greenville. VDOC released him from custody on March 16, 2023. Mr. Courtney is 32 years old and became blind in prison due to a condition called keratoconus.

10. Plaintiff William Landrum Hajacos is currently and has been at all times relevant to this suit a prisoner in the custody of VDOC. Mr. Hajacos is 48 years old and is blind and deaf. Mr. Hajacos has been housed at Greenville since October 2018.

11. Plaintiff Michael McCann is currently and has been at all times relevant to this suit a prisoner in the custody of VDOC. Mr. McCann has been housed at Deerfield since May 2017. Mr. McCann is 43 years old and has been blind since he was five years old.

12. Plaintiff Wilbert Green Rogers is currently and has been at all times relevant to this suit a prisoner in the custody of VDOC. Mr. Rogers has been housed at Greensville since July 2022. Mr. Rogers is 65 years old. After becoming partially blind in the late 1990s, he has been fully blind for the last 15 years.

13. Plaintiff Kevin Muhammad Shabazz is currently and has been at all times relevant to this suit a prisoner in the custody of VDOC. Mr. Shabazz has been housed at Deerfield since October 2015. Mr. Shabazz is 36 years old and has been blind since age 17.

14. Plaintiff Patrick Shaw is currently and has been at all times relevant to this suit a prisoner in the custody of VDOC. Mr. Shaw has been housed at Deerfield since December 2010. Mr. Shaw is 61 years old and has been in VDOC custody for nearly 35 years. He experienced deteriorating vision for ten years before going completely blind in 2009.

15. Plaintiff William Stravitz is currently and has been at all times relevant to this suit a prisoner in the custody of VDOC. Mr. Stravitz is 58 years old and rapidly lost his vision over the last two years due to cataracts. Mr. Stravitz has been housed at Deerfield since June 2019.

16. Plaintiff National Federation of the Blind of Virginia (“NFB-VA”) is a nonprofit membership organization made up of blind people, their families, and friends. It provides advocacy and support to blind Virginians, promotes full participation and integration of blind people in all areas of life, and advocates for change when equal access and treatment of the blind is denied.

17. Plaintiffs McCann, Shabazz, Shaw, and Stravitz are members of NFB-VA.

18. NFB-VA brings this case in a representative capacity on behalf of blind prisoners in the custody of VDOC and blind persons who may be in the custody of VDOC in the future.

19. NFB-VA does not seek damages on its own behalf or on behalf of its members, so neither the claims nor the requested relief require the participation of individual members.

20. Defendant Virginia Department of Corrections is a department of the Commonwealth of Virginia. VDOC receives federal financial assistance.

21. Defendant Chadwick Dotson is the Director of VDOC.

22. Defendant Harold Clarke is the former Director of VDOC.

23. Defendant Barry Marano is the ADA Coordinator for VDOC.

24. Defendant Larry Edmonds is the former Warden of Greensville.

25. Defendant Tammy Williams is the former Warden of Deerfield.

26. Defendant Kevin Punturi is the Warden of Greensville.

27. Defendant Darrell Miller is the Warden of Deerfield.

28. Defendant Lane Talbott is the ADA Coordinator at Greensville.

29. Defendant Lakeisha Shaw is the ADA Coordinator at Deerfield.

30. Defendant Armor Correctional Health Services, Inc. is a corporation organized under the laws of the State of Florida with its principal office in Miami, Florida, and with operations in Virginia. Armor's designated agent for service of process is located in Henrico County, Virginia. Until December 2021, Armor had a contract with VDOC and was responsible for providing on-site medical services to all prisoners at the VDOC's correctional facilities. Armor was paid in excess of \$72 million per year to provide healthcare services at VDOC facilities.

31. Defendant VitalCore Health Strategies is a limited liability company doing business in, and in good standing with, the Commonwealth of Virginia. VitalCore's designated agent for

service of process is located in Henrico County, Virginia. Since December 2021, VitalCore has held a contract with VDOC to provide on-site medical services to prisoners at VDOC facilities.

32. Defendant Vincent Gore, M.D., is a physician licensed in Virginia. At all relevant times, Dr. Gore was an agent or employee of Armor and/or VitalCore. Dr. Gore is the Medical Director at Greensville, responsible for the medical care of Greensville prisoners, including authorizing referrals to specialists. Dr. Gore is also responsible for approving prisoners' requests for accommodations. At all relevant times, Dr. Gore was acting within the scope of his employment or agency under the color of state law.

33. Defendant Alvin Harris, M.D., is a physician licensed in Virginia. At all relevant times, Dr. Harris was an agent or employee of Armor and/or VitalCore. As the Medical Director at Deerfield, Dr. Harris is responsible for medical care of Deerfield prisoners, including authorizing referrals to specialists. Dr. Harris is also responsible for approving prisoners' requests for accommodations. At all relevant times, Dr. Harris acted within the scope of his employment or agency under color of state law.

34. Defendant Pranay Gupta, M.D., is an ophthalmologist licensed in Virginia with whom VDOC contracts to provide specialized eye care to prisoners at Deerfield and Greensville.

35. D. Smith, sued in his individual capacity, is a corrections officer at Greensville.

FACTS

A. National Federation of the Blind

a. Blind prisoners, including Individual Plaintiffs, lack equal access to written materials and information.

i. VDOC's written materials are inaccessible for blind prisoners.

36. Defendants Dotson, Marano, Punturi, Edmonds, and Talbott are responsible for ensuring that written materials are accessible to blind prisoners who are housed at Greensville.

37. Defendants Dotson, Marano, Miller, Williams, and Shaw are responsible for ensuring that written materials are accessible to blind prisoners who are housed at Deerfield.

38. VDOC makes orientation materials, facility handbooks, operating procedures, commissary lists and order forms, menus, schedules, job postings, memoranda, directives, facility publications, policy changes, and other information available to prisoners in standard print. VDOC allows prisoners to keep copies of these materials in their cells or lockers for independent review.

39. VDOC does not offer these materials in formats accessible to blind prisoners, such as large print, taped text, accessible electronic format, or Braille.² As such, blind prisoners do not have equally independent and effective access to them.

40. Greenville uses a “titler” system: an electronic display board which shows written messages concerning facility events, fire drills, outside recreation, commissary, chow, etc. Greenville displays similar messages through text on TV screens in common areas.

41. Messages on the titler system or TV screens are not provided in an accessible format because prisoners must be able to see and read the message.

42. VDOC’s grievance program requires prisoners to fill out printed forms and provides written responses. Because VDOC does not provide forms or responses in accessible formats, a blind prisoner cannot independently or privately use the grievance process.

43. VDOC provides notices about disciplinary charges, hearings, and dispositions in writing. These documents are not accessible for blind prisoners.

44. VDOC’s medical program requires prisoners to request appointments in writing.

² As used herein, “accessible electronic format” means a digital format that can be read aloud with screen reader (*i.e.*, text-to-speech) software and adjusted in font size, color, and brightness. Screen reader software converts text on a computer screen to speech so that blind individuals can access what is written on the screen.

There is no accessible way for a blind prisoner to independently or privately request medical visits.

45. To include a person on a prisoner's visitor list, VDOC requires prisoners to provide the visitor's name, address, and relationship in writing. There is no accessible way for blind prisoners to independently or privately submit this information for their visitor list.

46. VDOC fails to provide information about educational and vocational programs in accessible formats, nor does it provide the materials used in educational and vocational programs, such as worksheets, textbooks, computer programs, and other tools in accessible formats.

ii. Forcing blind prisoners to rely on other prisoners does not provide them with independent, effective access to VDOC communications.

47. In the absence of accessible versions of the materials described above, VDOC assigns other prisoners ("Caregivers") to some blind prisoners to read and write for them.

48. As a result, Caregivers have access to highly sensitive information, such as the blind person's health status, grievances, disciplinary charges, and the names, addresses, and relationships of people on the blind prisoner's visitor list.

49. Blind prisoners cannot rely on staff to help them submit information due to consistent staff shortages at VDOC. Moreover, doing so would require blind prisoners to reveal sensitive information that sighted prisoners need not reveal to submit the same forms.

50. When blind prisoners are not assigned a Caregiver, or when a Caregiver is unavailable or unwilling to assist them, the blind prisoner is forced to rely on whomever he can find to read and write for him. Often, they must pay other prisoners to read and write for them.

51. Caregivers are also tasked with guiding blind prisoners around their facility.

52. Caregivers are not qualified to act as readers or scribes and receive no training before assuming their roles as Caregivers.

53. In addition to raising privacy and security concerns, relying on other prisoners puts blind prisoners at the mercy of the other prisoner's literacy skills, work ethic, and self-interest.

54. Caregivers' and other prisoners' limited reading and writing skills have caused misunderstanding of blind prisoners' grievances, resulting in grievances being denied.

55. Blind prisoners also cannot independently or privately read and write their mail.

56. Sighted prisoners read almost all of Plaintiffs Hajacos's, McCann's, Rogers's, Shabazz's, and Shaw's incoming mail, including personal and legal mail, which gives these prisoners access to private information about the Individual Plaintiffs and their family members, including names, genders, ages, and addresses, and privileged discussions with their attorneys.

57. Fellow prisoners write nearly all of Plaintiffs Hajacos's, McCann's, Rogers's, Shabazz's, and Shaw's outgoing correspondence, giving those prisoners access to personal and confidential information about them and their family members, and putting them at the mercy of the prisoners' handwriting, grammar, spelling, and punctuation skills.

58. The lack of accessible written information—and the need to rely on other prisoners—denies blind prisoners access not only to the information itself, but often to medical care, grievance programs, and other programs described in the written documents.

iii. Library computers are inaccessible for blind prisoners.

59. VDOC allows prisoners to use computers in the law libraries of Deerfield and Greenville, which include software for legal research and other information.

60. Those law library computers do not have screen reader software.

61. Greenville does not provide a scanner, printer, or other assistive technology to allow blind prisoners to access documents on the library computers. Blind prisoners at Greenville

are limited to two hours per visit to the library. Because there is no assistive technology to aid in their work, they often cannot complete their work during that time.

62. A SARA scanner converts printed text into spoken text. Deerfield has only one SARA scanner that prisoners can access, which is located in the law library. Prisoners may only access the SARA scanner with prior approval, requested via an inaccessible written form. Once granted access, they may only use the SARA scanner for a limited time. Each week, they are required to submit a new request form to get time with the SARA scanner.

iv. Other prison technology is inaccessible for Individual Plaintiffs and other blind prisoners.

63. VDOC has procured and provided technologies for prisoners, including tablets, kiosks, computers, and other devices that are not accessible to blind prisoners.

64. VDOC does not make screen reader software available to blind prisoners.

65. The tablets have touch-screen surfaces. Because blind prisoners cannot see the buttons and other icons needed to navigate the tablets, they cannot use the e-mail, music, or other functions of the tablets. Without an external keyboard and screen reader software or other assistive technology, blind prisoners do not have access to their tablets.

66. VDOC provides kiosks in common areas for prisoners to send “JPay” email messages. Because the kiosks do not have text-to-speech capability, blind prisoners cannot scroll or click around the software, read content on the screen, and or review any text they have typed.

b. VDOC Defendants have denied blind prisoners, including the Individual Plaintiffs, equal access to work assignments.

67. Defendants Dotson, Marano, Punturi, Edmonds, and Talbott are responsible for ensuring that blind prisoners housed at Greenville receive equal access to work assignments.

68. Defendants Dotson, Marano, Miller, Williams, and Shaw are responsible for ensuring that blind prisoners housed at Deerfield receive equal access to work assignments.

69. VDOC offers work assignments and vocational programs to those in its custody.

70. If prisoners do not work and/or participate in a VDOC-approved education or training program, prisoners are not able to earn good time credits.

71. VDOC makes a variety of work assignments available at various rates of pay.

72. Blind prisoners are not afforded access equal to that of sighted prisoners to available work assignments or vocational programs.

73. Each facility's Orientation Manual contains information on available jobs and the process for obtaining jobs, but VDOC does not provide the Manuals in an accessible format.

74. Job descriptions are made available in print, but not an accessible format.

75. VDOC offers work assignments on a scale from Grade 3, "skilled" work assignments making 45¢ per hour, to Grade 1, "unskilled" assignments making 27¢ per hour.

76. On information and belief, blind prisoners are denied Grade 3 work assignments, are often relegated to Grade 1 work assignments, or receive no work assignment because they are blind. If a prisoner with a work assignment loses his vision, VDOC terminates the assignment.

c. VDOC has failed to provide reasonable accommodations to blind prisoners.

77. Defendants Clarke, Marano, Punturi, Edmonds, Talbott, and Dr. Gore are responsible for providing accommodations for blind prisoners housed at Greenville.

78. Defendants Clarke, Marano, Miller, Williams, Shaw, and Dr. Harris are responsible for providing accommodations for blind prisoners housed at Deerfield.

79. VDOC Defendants have failed—and continue to fail—to reasonably modify their policies, practices, and procedures to accommodate blind prisoners.

80. Deerfield has housing units with dorm-style living, with beds for approximately 100 prisoners arranged in a grid pattern on the floor with aisles in between.

81. Deerfield's dorm-style housing also has communal showers.

82. Deerfield’s Assisted Living Unit is dorm-style, but houses fewer than 50 prisoners.

83. Deerfield previously had single cells for housing blind prisoners—one with a shower and the others with access to single stall showers—but is now using them for storage.

84. Because of the dorm-style layout of the housing units, there are frequently items partially or fully obstructing the aisles. These obstructions pose a trip hazard to blind prisoners and have, in fact, caused them to trip and injure themselves.

85. Greenville has a housing unit colloquially known as an “ADA pod,” in which all prisoners with disabilities, including blind prisoners, are housed.

B. Nacarlo Courtney

a. VDOC has denied Mr. Courtney reasonable accommodations.

86. In 2016, Mr. Courtney was diagnosed with keratoconus, which causes his corneas to thin and bulge into a cone shape, resulting in the loss of his vision and sensitivity to light.

87. In September 2019, while Mr. Courtney was housed at Sussex II, Dr. Linda Pinsky, O.D., from Virginia Commonwealth University (“VCU”) wrote to VDOC explaining Mr. Courtney’s condition and necessary accommodations, including dim, indirect cell lighting. Sussex II provided Mr. Courtney with dimmer light bulbs and permitted him to cover his cell window.

88. In October 2020, Dr. Pinsky wrote to VDOC explaining that, because of Mr. Courtney’s keratoconus, he needs items in enlarged format, including a large television. Sussex II officials approved Mr. Courtney’s request for a larger tablet and television, but he was required to pay for those accommodations with his own money.

89. After his transfer in November 2021, Greenville took away all the accommodations that Sussex II had provided. Mr. Courtney struggled to receive accommodations

he needed for his keratoconus, submitting multiple requests to see the eye specialists, requests for accommodations, and grievances, to Defendants Talbott, Marano, and Dr. Gore, to no avail.

90. On July 21, 2022, Mr. Courtney met with Defendants Marano and Talbott to discuss the lack of treatment for his keratoconus and his requests for accommodations.

91. On July 25, 2022, Mr. Courtney wrote to Defendant Talbott summarizing the history of his keratoconus and accommodations. The letter states that he requested sunglasses, a large television, and headphones, and that Defendant Marano said the requests would be approved.

92. Nine days later, Defendant Talbott responded to Mr. Courtney's letter, stating that she sent his requests to Medical for approval, even though Dr. Pinsky already informed VDOC about Mr. Courtney's condition and prescribed the accommodations.

93. In August and September 2022, Mr. Courtney submitted requests for accommodations and written complaints requesting window tinting and dimmer lights in his cell, a larger television, and sunglasses to protect his eyes from bright light. Mr. Courtney received no responses to these requests, and never received the accommodations.

94. In September 2022, maintenance workers came to install window tinting in Mr. Courtney's cell. Lieutenant Joyner ordered them to stop. The maintenance workers left without tinting the windows. As a result, Mr. Courtney tried to block the light from his window himself. However, corrections officers at Greenville threatened to write him up for covering the window.

95. In the fall of 2022, Mr. Courtney was moved into the "reentry pod" at Greenville. Because VDOC failed to accommodate him or provide course materials in an accessible format, he was unable to participate in any reentry programming prior to his release from custody.

b. Defendants Armor, VitalCore, and Dr. Gore failed to provide medically necessary treatment to Nacarlo Courtney.

96. When Mr. Courtney was initially diagnosed with keratoconus, his corrected vision was 20/40 in his right eye and 20/25 in his left eye. He was prescribed rigid contact lenses to correct his vision. He was told to come back every six months to get fitted for new lenses.

97. By 2019, Mr. Courtney's vision was 20/200 (right eye) and 20/100 (left eye).

98. In July or August 2021, Mr. Courtney's right contact lens broke. He submitted requests for a medical appointment and new contacts. Neither were timely provided. Sussex II officials never sent Mr. Courtney to see a doctor, to have a new consult for his keratoconus, or to replace Mr. Courtney's broken right contact lens.

99. In November 2021, VDOC moved Mr. Courtney to Greensville, where the infirmary noted that he requires 0.9% sodium chloride solution to insert his contact lenses and a solution to clean his contacts daily. On December 22, 2021, the medical provider at Greensville referred Mr. Courtney to VCU Ophthalmology, but he was not sent to an appointment for months.

100. In January 2022, Mr. Courtney informed Greensville officials that he had a broken contact lens—the same lens that had been broken for six months. But he still received no care.

101. On April 29, 2022, Mr. Courtney submitted an emergency grievance, stating that his eyes hurt due to swelling, he could barely see, and he needed immediate medical care. A week later, Defendant Dr. Gore admitted Mr. Courtney to the infirmary.

102. On May 9, 2022, Mr. Courtney saw Benjamin Goldman, M.D., who noted that Mr. Courtney had “progressive keratoconus” in both eyes and prescribed artificial tears and gel lubricant for his eyes because he had holes and cracks in his corneas.

103. On May 20, 2022, Assistant Warden Putney transferred Mr. Courtney out of the infirmary and into Housing Unit 10, even though Mr. Courtney's swelling had not improved, he still had only one contact, and had not been given artificial tears or gel lubricant for his eyes.

104. Mr. Courtney did not visit an ophthalmologist for nearly two months. On July 12, 2022, Mr. Courtney saw William Benson, M.D., who scheduled him for a right contact lens fitting.

105. On July 20, 2022, Dr. Lenna Walker fitted Mr. Courtney for contact lenses and ordered that Greenville supply contact lens cleaning solution and 0.9% sodium chloride solution. In August 2022, Dr. Gore denied Mr. Courtney the solution Dr. Walker prescribed.

106. While in VDOC custody, Mr. Courtney continued to have issues receiving regular appointments with the ophthalmologists at VCU who treat his keratoconus. VDOC also failed to regularly supply him with cleaning solution and 0.9% sodium chloride solution.

107. Mr. Courtney's eyesight worsened and he experienced physical pain from his bulging and swollen eyes, infection, and significant distress.

c. Defendants Clarke, Marano, Talbott, and Smith retaliated against Mr. Courtney for grieving his lack of accommodations.

108. Mr. Courtney, through counsel, sent a letter to Defendant Clarke on October 27, 2022, regarding VDOC's failure to provide him with reasonable accommodations.

109. He also sent a letter to Defendants Talbott and Marano on November 21, 2022, regarding the failures to provide him with cleaning solution and sodium chloride.

110. Mr. Courtney did not take illegal drugs of any kind while incarcerated.

111. Until he was given a urinalysis in December 2022, Mr. Courtney never tested positive for illegal drugs while in prison.

112. Mr. Courtney was never routinely tested for drugs while in prison; he was only drug tested five or six times during his ten years in VDOC custody.

113. VDOC urinalysis procedures require investigators to conduct and seal tests on camera or in another setting that safeguards against VDOC staff tampering with the samples.

114. On December 20, 2022, around 9:30 AM, Defendant Smith subjected Mr. Courtney to urinalysis. Smith told Mr. Courtney this was a “routine drug test.” However, Smith administered Mr. Courtney’s urinalysis in a staff bathroom, outside the view of any cameras.

115. Urinalyses typically test for five substances. The urinalysis Defendant Smith administered to Mr. Courtney only tested for two substances—marijuana and methamphetamines.

116. Later that same day, Mr. Courtney was informed that his urinalysis came back positive for marijuana and methamphetamines—the only two drugs Defendant Smith tested Mr. Courtney’s urine for. Mr. Courtney received a charge for the positive drug test.

117. At the time, Mr. Courtney’s release date was set for March 16, 2023. If he were found guilty of the drug charge, he could have been forced to stay in prison until November 2023. He would also lose his visitation, commissary, and telephone privileges for 30–90 days, denying him access to his family, who called almost daily and visited almost weekly.

118. Defendants Clarke, Marano Talbott, and Smith had no reason to suspect Mr. Courtney of taking drugs. The urinalysis was not conducted according to VDOC procedures. As such, and the testing was out of the normal course of business.

119. On information and belief, Mr. Courtney’s urinalysis results were falsified in retaliation for his complaints for failing to accommodate his disability.

C. William Hajacos

120. Mr. Hajacos often pays other prisoners with items from the commissary to have them read and write documents for him. This requires him to reveal personal and/or confidential information to his fellow prisoners.

121. Mr. Hajacos is enrolled in a computer class. The class has a print textbook that is not in an accessible format. Mr. Hajacos has to ask fellow prisoners to read the textbook to him.

Greensville has not assigned him a reader, and the prisoners in his course are not qualified readers.

122. Mr. Hajacos worked in the woodshop until May 2020, when it closed temporarily. When it reopened it required workers to move into two pods, neither of which accommodated blind prisoners. Mr. Hajacos was told that, if he moved pods to keep his job, he would lose his accommodations. But, if he stayed in his current pod, he would lose his job. Mr. Hajacos stayed in his pod with his accommodations. He has not found work at his previous rate of pay since then.

D. Michael McCann

123. Mr. McCann once tried to complete a grievance form himself using a Sharpie, writing in large print. Because the print was so large, he had to attach a separate sheet of paper. VDOC rejected his grievance because he did not limit his writing to the box on the form.

124. Mr. McCann attempted to attend a horticulture class, but the instructor did not know how to instruct Mr. McCann and Deerfield would not allow his Caregiver to attend the classes. Without any meaningful way to participate, Mr. McCann was forced to drop out of the class.

125. Mr. McCann was assigned to fill the water pot for other prisoners in his pod—a Grade 1 work assignment. But the lieutenant in his pod would not let him perform the work.

126. VDOC has deemed Mr. McCann ineligible for some work assignments because of his blindness, including cleaning bathrooms, operating the floor buffer, and working in the kitchen.

127. Three years ago, Mr. McCann requested a work assignment, and VDOC assigned him as “Assistant to the ADA Coordinator,” but he has no responsibilities. His title was later changed to “Counselor’s Aide,” but he has still no responsibilities.

128. Mr. McCann has an assigned Caregiver who assists him with daily tasks, including reading, writing, and navigating around Deerfield.

129. Until recently, Mr. McCann's Caregiver was assigned to a bed on the opposite side of Mr. McCann's housing unit, which required Mr. McCann to attempt to navigate through the object-strewn aisles when he needed assistance.

130. Mr. McCann requested to have his Caregiver moved to the bed next to him. Defendant Shaw denied his request, claiming it was "not medically necessary" and that only if his vision had worsened would VDOC move his Caregiver closer to him.

131. When Mr. McCann Caregiver is not available to help him navigate Deerfield, he has accidentally bumped into corrections officers and other prisoners, sometimes leading to physical altercations that have resulted in injuries to Mr. McCann.

132. In 2017 or 2018, another prisoner assaulted Mr. McCann. Mr. McCann reported the assault to Deerfield officials, but they refused to review surveillance video of the incident because Mr. McCann could not identify his assailant because he is blind.

133. Other prisoners and corrections officers have taken advantage of Mr. McCann because of his disability by stealing his personal property and many commissary items.

134. Around July 2023, Mr. McCann requested colored, textured tape for the floor of his pod so he could navigate to key areas (like the bathroom) on his own using his white cane. Defendant Shaw put down one line of tape from Mr. McCann's bed to the microwave.

135. After a few weeks went by without more tape, Mr. McCann submitted another request, asking for additional avenues around the pod to be taped down for him. Ms. Shaw replied that she was no longer permitted to apply tape to the floor of the pod.

136. Correctional officers have pulled up parts of the tape, breaking Mr. McCann's path from his bed to key pod areas. The remaining tape's texture was worn down after the floors were buffed. As a result, Mr. McCann is again unable to navigate his pod safely.

137. Since the start of the COVID-19 pandemic, VDOC has prohibited Mr. McCann's Caregiver to go with him to the recreation area and walk with him. This limits his ability to exercise and has led to injuries when he encounters, or someone else creates, a hazard.

138. Five years ago, Mr. McCann received a magnifier from the Virginia Department of the Blind and Visually Impaired ("DBVI"). Because his vision continued to deteriorate, it is no longer an effective auxiliary aid. He requested a new magnifier, but Deerfield denied his request.

139. DBVI gave Mr. McCann a marker for writing large print. When the marker ran out of ink, VDOC took four months to provide a new one and he had to purchase it himself.

140. Deerfield provided Mr. McCann glasses with the wrong prescription. Despite his requests for glasses with the correct prescription, Deerfield failed to provide them.

141. Mr. McCann stopped taking showers for a period of time because other prisoners masturbated while Mr. McCann was taking a shower, thinking he could not see them.

E. Wilbert Rogers

142. Because Mr. Rogers is completely blind, Greensville issued him single-cell orders during a previous period of incarceration that ended in 2013. Single-cell orders require a prisoner to be housed in a single cell without a cellmate.

143. Such orders reasonably accommodate blind prisoners because being familiar with their surroundings is essential to navigating safely. Cellmates may move items around the cell, disorienting their blind cellmate, or steal the blind prisoner's property.

144. For his first few months at Greensville, Mr. Rogers had a cellmate who moved Mr. Rogers' property around, so he often could not locate his belongings. Mr. Rogers submitted a request for a single cell to Defendant Talbott, but never received a response.

145. In the fall of 2022, Mr. Rogers' cellmate was moved into isolation and his Caregiver was moved into his cell. Within a few weeks, his Caregiver was transferred to a different prison.

146. Since then, Greenville has not assigned Mr. Rogers a Caregiver, despite multiple requests. Mr. Rogers pays other prisoners in commissary goods to help him navigate the prison, fill out forms, read and write correspondence, and take care of other daily needs. This requires him to reveal personal and/or confidential information to fellow prisoners.

F. Kevin Muhammad Shabazz

147. Multiple times, Mr. Shabazz has been unable to submit grievances because no other prisoners were willing or available to read the forms and complete them for him.

148. Mr. Shabazz is allowed to use the SARA scanner for one hour on Saturday and one hour on Sunday, but he has to submit a written request every week to get this time on the scanner.

149. Mr. Shabazz has been enrolled in a computer course since April 2022, but VDOC does not have the software to make the course accessible. At one point, VDOC installed a trial version of text-to-speech software that limited the time Mr. Shabazz could use it.

150. Mr. Shabazz was enrolled in a GED course at Deerfield. VDOC assigned a fellow prisoner to read the materials to Mr. Shabazz. However, the fellow prisoner cannot "read" the graphs and images included in the GED materials, so Mr. Shabazz could not access those materials.

151. Mr. Shabazz is assigned to do his pod's laundry—a Grade 2 work assignment. Mr. Shabazz would like a Grade 3 assignment, but VDOC will not give him one because his Unit Manager says his blindness poses a safety risk. However, VDOC refuses to provide Mr. Shabazz with the occupational therapy, including blindness skills, he needs to have a Grade 3 assignment.

152. Mr. Shabazz has submitted applications for Grade 3 work assignments, including "pod clerk" and main laundry, but the supervisor of his pod refuses to consider him.

G. Patrick Shaw

153. Four years ago, Mr. Shaw joined a computer class, but his Caregiver was not allowed to go with him. His Caregiver was not even allowed to sit outside the classroom in case he needed the restroom or other assistance. As a result, Mr. Shaw had to withdraw from the class.

154. Since 2007, VDOC has not permitted Mr. Shaw to have a work assignment. He would like to have a work assignment, but VDOC refuses to provide him with the occupational therapy, including computer training, and blindness skills he needs to have a work assignment.

155. Mr. Shaw lived in one of Deerfield's single cells for five years until prison staff converted the cells into storage. He was then forced to move into the dorm-style pod.

156. Deerfield's dorms include some single beds without a top bunk. Mr. Shaw is placed on a bottom bunk. He has hit his head and drawn blood multiple times because he cannot see the top bunk. He has asked to move to the Assisted Living Unit, but Medical has denied his request.

157. Because of the communal showers in the dorm-style pod, Mr. Shaw must have his Caregiver assist him when he takes a shower.

158. During the height of the COVID-19 pandemic, Mr. Shaw was separated from his Caregiver, and he was forced to pay other prisoners to take him to the shower.

H. William Stravitz

a. VDOC has failed to reasonably accommodate Mr. Stravitz.

159. Prior to his cataract surgery in October 2023, Mr. Stravitz could only read in dim light, wearing prescription glasses, using a booklight, and holding the page an inch from his face.

160. To write outgoing mail, Mr. Stravitz used a booklight (that he purchased himself) and a thick marker with dark ink so that he could see the words on the page.

161. Over the past two years, Mr. Stravitz's vision and depth perception worsened so much that he could not see computer screens.

162. Because of his vision loss, Mr. Stravitz has had an increasingly difficult time working his library job. Mr. Stravitz worried that he might be terminated because his supervisor said that she "can't believe [she] hired a blind guy."

b. Defendants Armor, VitalCore, Dr. Harris, and Dr. Gupta failed to provide medically necessary treatment to Mr. Stravitz.

163. When Mr. Stravitz noticed his vision changing in October 2021, he requested to see an eye doctor. Having received no response, he wrote another request in November 2021.

164. Mr. Stravitz saw Dr. Gedalia Schwartz on December 7, 2021. Dr. Schwartz diagnosed him with cataracts, recommended surgery, and referred him to Dr. Gupta.

165. On February 25, 2022, Defendant Dr. Gupta verified Mr. Stravitz's cataracts. He told Mr. Stravitz cataracts were a serious condition, explained the risks and benefits of surgery, and, when Mr. Stravitz consented, said he would schedule cataract surgery to have them removed.

166. Between March and August 2022, Mr. Stravitz made several written and verbal requests to see a surgeon, but was never scheduled for surgery.

167. Mr. Stravitz was scheduled to see Dr. Gupta on August 9, 2022, but VDOC failed to give him a COVID-19 PCR test and Dr. Gupta refused to see him.

168. On September 20, 2022, Deerfield officials administered a COVID-19 PCR test to Mr. Stravitz, and he tested negative, but VDOC did not take him to see Dr. Gupta.

169. Mr. Stravitz submitted requests and complaints about these incidents, but he did not receive the surgery or any follow-up appointments about his cataracts for over a year.

170. Defendants Armor, VitalCore, Dr. Harris, and Dr. Gupta did not schedule follow-up appointments, or otherwise take action to get Mr. Stravitz medically necessary cataract surgery.

171. On information and belief, since September 2022, Dr. Gupta has seen multiple other prisoners for eye appointments, at least one of whom received cataract surgery.

172. Despite multiple requests, Dr. Harris refused to provide Mr. Stravitz with new eyeglasses because he claimed they were not worth getting prior to Mr. Stravitz's surgery.

173. While Mr. Stravitz waited to undergo surgery, his vision was getting progressively worse, leading to increased discomfort, mental anguish, and emotional distress.

**FIRST CLAIM FOR RELIEF:
VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT
42 U.S.C. § 12131 *et seq.*
(Plaintiffs NFB-VA, Courtney, Hajacos, and Rogers against Defendants VDOC, Dotson, Marano, Punturi, Edmonds, and Talbott, in their official capacities, and Plaintiffs NFB-VA, McCann, Shabazz, Shaw, and Stravitz against Defendants VDOC, Dotson, Marano, Miller, Williams, and Shaw, in their official capacities)**

174. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

175. Title II of the ADA prohibits public entities from excluding people with disabilities from participation in, denying them the benefits of, offering them unequal access to, or otherwise subjecting them to discrimination in their services, programs and activities. 42 U.S.C. § 12132.

176. Defendants excluded the Individual Plaintiffs and other blind prisoners from participation in, and subjected them to discrimination in VDOC programs on the basis of disability.

177. Because they are blind, the Individual Plaintiffs and other blind prisoners are individuals with disabilities within the meaning of the ADA. 42 U.S.C. § 12102.

178. Defendants know the Individual Plaintiffs and other blind prisoners are blind.

179. The Individual Plaintiffs' and other blind prisoners' need for reasonable modifications and auxiliary aids and services is obvious.

180. The Individual Plaintiffs and other blind prisoners are qualified to participate in VDOC's services, programs, and activities.

181. Defendants' actions were taken with deliberate indifference to the likelihood that their actions would result in a violation of the ADA.

182. As a direct and proximate result of Defendants' acts, omissions, and violations alleged above, the Individual Plaintiffs have suffered damages.

183. The Individual Plaintiffs and other blind prisoners have been injured and aggrieved by and will continue to be injured and aggrieved by Defendants' discrimination.

**SECOND CLAIM FOR RELIEF:
VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT
42 U.S.C. § 12131 *et seq.*
(Nacarlo Courtney against Defendants Clarke, Marano, Talbott, and Smith, in their official capacities)**

184. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

185. The ADA prohibits retaliation for engaging in protected activity.

186. Mr. Courtney engaged in a protected activity when, through counsel, he sent a letter to Defendant Clarke regarding VDOC's failure to provide him with reasonable accommodations, and a letter to Defendants Talbott and Marano regarding VDOC's failures to provide him with contact cleaning solution and sodium chloride necessary for inserting his contacts.

187. Upon information and belief, because of Mr. Courtney's protected activity, Defendants Clarke, Marano, Talbott, and Smith, subjected him to a drug test that did not follow VDOC testing procedures and resulted in a test that Defendant Smith claimed was positive for drugs. Because of this allegedly positive test result, Defendant Smith wrote Mr. Courtney a charge.

188. As a direct and proximate result of Mr. Courtney engaging in protected activity, Defendants Clarke, Marano, Talbott, and Smith falsified the results of Mr. Courtney's drug test so that he would receive a charge.

**THIRD CLAIM FOR RELIEF:
VIOLATION OF SECTION 504 OF THE REHABILITATION ACT
29 U.S.C. § 794**

(Plaintiffs NFB-VA, Courtney, Hajacos, and Rogers against Defendants VDOC, Dotson, Marano, Punturi, Edmonds, and Talbott, in their official capacities, and Plaintiffs NFB-VA, McCann, Shabazz, Shaw, and Stravitz against Defendants VDOC, Dotson, Marano, Miller, Williams, and Shaw, in their official capacities)

189. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

190. Section 504 prohibits discrimination on the basis of disability by recipients of federal financial assistance such as VDOC. 29 U.S.C. § 794.

191. Defendants excluded the Individual Plaintiffs and other blind prisoners from participation in, denied them the benefits of, and subjected them to discrimination in VDOC services, programs, and activities solely by reason of disability in violation of Section 504.

192. Because they are blind, the Individual Plaintiffs and other blind prisoners are individuals with disabilities within the meaning of Section 504. 29 U.S.C. § 794.

193. Defendants know that the Individual Plaintiffs and other blind prisoners are blind.

194. The Individual Plaintiffs' and other blind prisoners' need for accommodations and auxiliary aids and services is obvious.

195. The Individual Plaintiffs and other blind prisoners are qualified to participate in VDOC's services, programs, and activities within the meaning of Section 504.

196. The actions of Defendants discriminated against the Individual Plaintiffs and other blind prisoners solely by reason of their disabilities.

197. Defendants' actions were intentional and/or were taken with deliberate indifference to the likelihood that their actions would result in a violation of Section 504.

198. As a direct and proximate result of Defendants' acts, omissions, and violations, the Individual Plaintiffs have suffered damages.

199. The Individual Plaintiffs and other blind prisoners have been injured and aggrieved by and will continue to be injured and aggrieved by Defendants' discrimination.

**FOURTH CLAIM FOR RELIEF:
VIOLATION OF THE VIRGINIANS WITH DISABILITIES ACT
Va. Code Ann. § 51.5-40**

(Plaintiffs NFB-VA, Courtney, Hajacos, and Rogers against Defendants VDOC, Dotson, Marano, Punturi, Edmonds, and Talbott, in their official capacities, and Plaintiffs NFB-VA, McCann, Shabazz, Shaw, and Stravitz against Defendants VDOC, Dotson, Marano, Miller, Williams, and Shaw, in their official capacities)

200. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

201. The Virginians with Disabilities Act ("VDA"), Va. Code Ann. § 51.5-40, prohibits disability discrimination under state programs and is interpreted consistently with the ADA.

202. Defendants excluded the Individual Plaintiffs and other blind prisoners from participation in, denied them the benefits of, and subjected them to discrimination in its services, programs, and/or activities on the basis of disability in violation of the VDA.

203. Because they are blind, the Individual Plaintiffs and other blind prisoners are persons with disabilities within the meaning of the VDA. Va. Code Ann. § 51.5-40.1.

204. Defendants know that Individual Plaintiffs and other blind prisoners are blind.

205. The Individual Plaintiffs' and other blind prisoners' need for accommodations and auxiliary aids and services is obvious.

206. The Individual Plaintiffs and other blind prisoners are qualified to participate in VDOC's services, programs, and activities within the meaning of the VDA.

207. Defendants' actions were intentional and/or were taken with deliberate indifference to the likelihood that their actions would result in a violation of the VDA.

208. As a direct and proximate result of Defendants' acts, omissions, and violations, the Individual Plaintiffs have suffered damages.

209. The Individual Plaintiffs and other blind prisoners have been injured and aggrieved by, and will continue to be injured and aggrieved by, Defendants' discrimination.

**FIFTH CLAIM FOR RELIEF:
VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION
AND 42 U.S.C. § 1983
(Nacarlo Courtney against Defendant Dr. Gore)**

210. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

211. Dr. Gore knew that Mr. Courtney has keratoconus, a serious medical condition that jeopardizes his vision, and that his doctors recommended corneal cross-linking surgery.

212. Dr. Gore knew that failing to schedule regular eye exams, replace his contact lenses, provide him with contact lens solution, provide him with sodium chloride solution, or authorize corneal cross-linking surgery for him caused him physical pain and infection, caused his eyes to swell, made his vision deteriorate, and caused him mental and emotional distress.

213. Mr. Courtney's medical records and the prevailing standards of care support the medical necessity of corneal cross-linking surgery, routine eye exams, replacement contact lenses, contact lens solution, and sodium chloride solution for Mr. Courtney.

214. Dr. Gore knew that denying the surgery, routine eye exams, replacement contact lenses, cleaning solution, and sodium chloride put him at substantial risk of serious harm.

215. Dr. Gore's actions described herein showed deliberate indifference to Mr. Courtney's medical needs and were taken without exercising individualized medical judgment.

216. Dr. Gore's denial of medically necessary treatment has caused and is causing irreparable harm to Mr. Courtney.

217. As a direct and proximate result of Dr. Gore's purposeful and intentional actions, Mr. Courtney has suffered and continues to suffer injury, including serious physical harm, mental anguish, emotional distress, and other pecuniary losses not yet ascertained.

**SIXTH CLAIM FOR RELIEF:
VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION
AND 42 U.S.C. § 1983**

(William Stravitz against Defendants Dr. Harris and Dr. Gupta)

218. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

219. Defendants deprived and deprived Mr. Stravitz of his constitutionally protected rights under the Eighth Amendment to the U.S. Constitution.

220. Defendants knew that Mr. Stravitz had cataracts, a serious medical condition, which jeopardized his vision and that Defendant Dr. Gupta recommended surgery to remove his cataracts.

221. Defendants knew that the medically accepted treatment for cataracts is surgery.

222. Mr. Stravitz's medical records and the prevailing standards of care support the medical necessity for cataract surgery for Mr. Stravitz.

223. Defendants knew that denying Mr. Stravitz cataract surgery placed him at a substantial risk of serious harm.

224. Defendants ignored multiple requests for medical treatment, in deliberate indifference to Mr. Stravitz's serious medical needs and in violation of the Eighth Amendment.

225. The actions of Defendants described herein showed deliberate indifference to Mr. Stravitz's medical needs, including the failure to provide him with surgery or prescription eyeglasses, and were taken without exercising any individualized medical judgment.

226. As a direct and proximate result of the purposeful and intentional actions of Defendants, Mr. Stravitz has suffered injury.

**SEVENTH CLAIM FOR RELIEF:
MEDICAL MALPRACTICE
(Nacarlo Courtney against Defendant Dr. Gore and *respondent superior* liability against
Defendants Armor and VitalCore)**

227. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

228. Dr. Gore had a duty to use the degree of skill and diligence used by a reasonably prudent practitioner regarding Mr. Courtney's medical care, including providing prompt medical care for his keratoconus. Dr. Gore breached this duty, which constituted malpractice.

229. Under the doctrine of *respondeat superior*, Defendants Armor and VitalCore are legally responsible for the actions and inactions of Defendant Dr. Gore, who breached his duties while performing work in the scope of his employment/duties with Armor or VitalCore.

230. As a direct and proximate result of Dr. Gore's malpractice, Mr. Courtney has suffered physical pain, mental anguish, and emotional distress.

231. Dr. Gore's malpractice establishes causes of action for monetary relief in the form of compensatory damages and costs to Mr. Courtney.

**EIGHTH CLAIM FOR RELIEF:
MEDICAL MALPRACTICE
(William Stravitz against Defendant Dr. Harris, and Dr. Gupta and *respondeat superior*
liability against Defendants Armor and VitalCore)**

232. Plaintiffs incorporate the allegations set forth above as if fully set forth herein.

233. Drs. Harris and Gupta had duties to use the degree of skill and diligence used by reasonably prudent practitioners regarding Mr. Stravitz's medical care, including providing prompt cataract treatment; responding to requests for care; and supplying appropriate glasses as he awaited surgery. Drs. Harris and Gupta breached these duties, which constituted malpractice.

234. Under the doctrine of *respondeat superior*, Defendants Armor and VitalCore are legally responsible for the actions and inactions of their employee and/or agent, Dr. Harris, who breached his duties while performing work in the scope of their employment/duties.

235. As a direct and proximate result of the malpractice of Dr. Harris and Dr. Gupta, Mr. Stravitz has suffered mental anguish, and emotional distress.

236. The malpractice of Dr. Harris and Dr. Gupta establishes causes of action for monetary relief in the form of compensatory damages and costs to Mr. Stravitz.

WHEREFORE, Plaintiffs respectfully request that this Court:

237. declare the actions of VDOC and VDOC Defendants described in this Complaint to be in violation of the ADA, Section 504, the VDA, and the Eighth Amendment;

238. enjoin VDOC Defendants to cease discriminating against blind prisoners, including the Individual Plaintiffs, on the basis of disability;

239. enjoin VDOC Defendants to reasonably modify VDOC policies and to provide auxiliary aids necessary for blind prisoners to access printed materials independently and privately;

240. enjoin VDOC Defendants to ensure that blind prisoners have equal opportunity to participate in and benefit from educational and work programs available to sighted prisoners;

241. enjoin VDOC Defendants from housing Individual Plaintiffs in dorm-style living, and provide them a double cell with their Caregiver or a single cell;

242. enjoin Defendants VDOC, Miller, and Punturi to replace existing inaccessible technology with accessible technology;

243. award Individual Plaintiffs compensatory damages;

244. award Plaintiffs reasonable attorneys' fees, costs, and expenses; and

245. award such other relief as may be just, proper, and equitable.

JURY DEMAND

Plaintiffs request a jury trial on all issues and claims that are triable of right by a jury.

Respectfully submitted,

/s/ Samantha Westrum
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Dated: November 6, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically e-mail a copy of the foregoing to the following parties:

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I hereby certify that I will mail the foregoing document by U.S. Mail to the following non-filing user:

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