

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

NATIONAL FEDERATION OF THE BLIND, *et al.*,

Plaintiffs,

v.

CASE NO. 3:23cv127

VIRGINIA DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

**ANSWER**

Defendants Barry Marano, Darrell Miller, Harold Clarke, Kevin Punturi, Lakiesha Shaw, Lane Talbott, Larry Edmonds, Officer D. Smith, Tammy Williams, and the Virginia Department of Corrections (collectively, the “VDOC Defendants”), by counsel, hereby answer the Plaintiffs’ Complaint, ECF No. 1, as follows:

**INTRODUCTION<sup>1</sup>**

1–5. Paragraphs 1 through 5 summarize the Plaintiffs’ contentions, which are detailed more fully in the Complaint’s factual allegations. As such, they do not merit separate individualized responses.

**JURISDICTION AND VENUE**

6–9. The allegations in Paragraphs 6 through 9 regarding jurisdiction and venue are legal assertions to which no response is required. To the extent a response is required, Defendants deny that the Plaintiffs are entitled to any relief from them on the basis of the allegations in the Complaint.

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<sup>1</sup> For ease of reference, Defendants adopt the headings used in the Complaint.

**PARTIES**

10. Admitted to the extent that Plaintiff Nacarlo Antonio Courtney was a prisoner in the custody of VDOC at the time of filing the Complaint. Denied that Plaintiff Courtney is still held in VDOC custody.

11. Admitted to the extent that Plaintiff Courtney was housed at Greensville Correctional Center at the time of filing the Complaint. Plaintiff Courtney was released from VDOC custody on March 16, 2023.

12. Admitted.

13. Defendants lack sufficient information to admit or deny the allegations in Paragraph 13, and therefore the allegations are denied.

14. The allegations in Paragraph 14 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

15. Defendants lack sufficient information to admit or deny the allegations in Paragraph 15, and therefore the allegations are denied.

16–18. Admitted.

19. Defendants lack sufficient information to admit or deny the allegations in Paragraph 19, and therefore the allegations are denied.

20. The allegations in Paragraph 20 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

21. Defendants lack sufficient information to admit or deny the allegations in Paragraph 21, and therefore the allegations are denied.

22–23. Admitted.

24. Defendants lack sufficient information to admit or deny the allegations in Paragraph 24, and therefore the allegations are denied.

25. The allegations in Paragraph 25 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

26. Defendants lack sufficient information to admit or deny the allegations in Paragraph 26, and therefore the allegations are denied.

27. Admitted.

28. Admitted that Rogers has been housed at Greenville Correctional Center since July 12, 2022.

29. Admitted.

30. Defendants lack sufficient information to admit or deny the allegations in Paragraph 30, and therefore the allegations are denied.

31. The allegations in Paragraph 31 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

32. Defendants lack sufficient information to admit or deny the allegations in Paragraph 32, and therefore the allegations are denied.

33–34. Admitted.

35. Defendants lack sufficient information to admit or deny the allegations in Paragraph 35, and therefore the allegations are denied.

36. The allegations in Paragraph 36 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

37. Defendants lack sufficient information to admit or deny the allegations in Paragraph 37, and therefore the allegations are denied.

38–40. Admitted.

41. Defendants lack sufficient information to admit or deny the allegations in Paragraph 41, and therefore the allegations are denied.

42. The allegations in Paragraph 42 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

43. Defendants lack sufficient information to admit or deny the allegations in Paragraph 43, and therefore the allegations are denied.

44–46. Admitted.

47. Defendants lack sufficient information to admit or deny the allegations in Paragraph 47, and therefore the allegations are denied.

48. The allegations in Paragraph 48 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

49. Defendants lack sufficient information to admit or deny the allegations in Paragraph 49, and therefore the allegations are denied.

50–52. Defendants lack sufficient information to admit or deny the allegations in Paragraphs 50 through 52, and therefore the allegations are denied.

53. The allegations in Paragraph 53 are a legal assertion to which no response is required. To the extent the allegations are intended as a factual assertion, Defendants lack sufficient information to admit or deny the allegations and therefore they are denied.

54. Defendants lack sufficient information to admit or deny the allegations in Paragraph 54, and therefore the allegations are denied.

55–57. The allegations in Paragraphs 55 through 57 are legal assertions to which no response is required.

58. Denied to the extent that Plaintiff Nacarlo Courtney is no longer in VDOC custody. The remaining allegations in Paragraph 58 are admitted.

59. Admitted.

60. The allegations in Paragraph 60 are not directed to the VDOC Defendants. Therefore, no response is required of those Defendants.

61. Admitted that Defendant Clarke is the Director of VDOC. The allegations regarding Defendant Clarke's job duties and the requirements of federal law are legal assertions to which no response is required.

62. Admitted that Defendant Marano is the ADA Coordinator for VDOC. The allegations regarding Defendant Marano's job duties and the requirements of federal law are legal assertions to which no response is required.

63. Admitted that Defendant Edmonds was formerly the Lead Warden of Greenville Correctional Center. The allegations regarding Defendant Edmonds' job duties and the requirements of federal law are legal assertions to which no response is required.

64. Admitted that Defendant Williams was formerly the Warden of Deerfield Correctional Center. The allegations regarding Defendant Williams' job duties and the requirements of federal law are legal assertions to which no response is required.

65. Denied that Defendant Punturi holds the position of Warden in an "acting" capacity. Defendant Punturi is the Lead Warden of Greenville Correctional Center. The allegations regarding Defendant Punturi's job duties and the requirements of federal law are legal assertions to which no response is required.

66. Admitted that Defendant Miller is the Warden of Deerfield Correctional Center. The allegations regarding Defendant Miller's job duties and the requirements of federal law are legal assertions to which no response is required.

67. Admitted that Defendant Talbott is the ADA Coordinator at Greenville Correctional Center. The allegations regarding Defendant Talbott's job duties and the requirements of federal law are legal assertions to which no response is required.

68. Admitted that Defendant Shaw is the ADA Coordinator at Deerfield Correctional Center. The allegations regarding Defendant Shaw's job duties and the requirements of federal law are legal assertions to which no response is required.

69–74. The allegations in Paragraphs 69 through 74 are not directed to the VDOC Defendants. Therefore, no response is required of those Defendants.

75. Admitted.

## FACTS

### A. **Blind Prisoners Lack Equal Access to Written Materials and Information.**

76. The allegations in Paragraph 76 are a legal assertion to which no response is required.

77. Admitted to the extent that information is provided to inmates in standard print as a general matter. Denied that the information is not made accessible to inmates with visual impairments.

78. Denied.

79. Admitted.

80. Admitted.

81. Admitted.

82. Denied.

83. Admitted.

84. Denied.

85. Admitted.

86. Denied.

87. Admitted.

88. Denied.

89. Admitted.

90. Admitted.

91. Denied.

92. Admitted to the extent that the titler system is utilized for making announcements to inmates with hearing impairments. Denied to the extent it is purported that this is the only means by which announcements are conveyed to inmates.

93. Denied to the extent that verbal announcements are also made.

94. Denied to the extent that verbal announcements are also made.

95. Defendants lack sufficient information to admit or deny the allegations in Paragraph 95, and therefore the allegations are denied.

96. Defendants lack sufficient information to admit or deny the allegations in Paragraph 96, and therefore the allegations are denied.

97. Denied.

98. Admitted that grievances and grievance responses are submitted in written format as a general matter. Denied that the grievance process is not made available to visually impaired inmates in an accessible format.

99. Denied.

100. Denied.

101. Admitted that medical appointments can be requested in writing. Denied to the extent it is purported that this is the only means for requesting medical appointments.

102. Denied.

103. Admitted to the extent that visitor list requests are submitted in writing as a general matter.

104. Denied.

105. Admitted to the extent that information about people on a prisoner's visitor list would be made known to a caregiver or other prisoner if the prisoner chooses to share that information. Denied to the extent it is purported that prisoners with visual impairments are forced to rely on other prisoners for assistance.

106. Denied that the materials and programs described in Paragraphs 77 through 105 are not made available in accessible formats. Admitted that caregivers are sometimes assigned to assist with tasks for visually impaired inmates.

107. Denied.

108. Admitted to the extent that caregivers may be tasked with guiding blind prisoners if it is determined that such assistance is needed.

109. Admitted.

110. Admitted that caregivers do not receive training to act as scribes or readers.

111. Denied.

112. Admitted to the extent that information may be made known to other prisoners or staff if an inmate chooses to share that information.

113. Admitted to the extent that information may be made known to other prisoners if an inmate chooses to share that information.

114. Defendants lack sufficient information to admit or deny the allegations in Paragraph 114, and therefore the allegations are denied.

115. Denied.

116. Denied.

117. Defendants lack sufficient information to admit or deny the allegations in Paragraph 117, and therefore the allegations are denied.

118. Defendants lack sufficient information to admit or deny the allegations in Paragraph 118, and therefore the allegations are denied.

119. Defendants lack sufficient information to admit or deny the allegations in Paragraph 119, and therefore the allegations are denied.

120. Defendants lack sufficient information to admit or deny the allegations in Paragraph 120, and therefore the allegations are denied.

121. Denied.

122. Defendants lack sufficient information to admit or deny the allegations in Paragraph 122, and therefore the allegations are denied.

123. Defendants lack sufficient information to admit or deny the allegations in Paragraph 123, and therefore the allegations are denied.

124. Defendants lack sufficient information to admit or deny the allegations in Paragraph 124, and therefore the allegations are denied.

125. Defendants lack sufficient information to admit or deny the allegations in Paragraph 125, and therefore the allegations are denied.

126. Denied that written information is not provided in accessible format or that blind prisoners are made to rely on Caregivers and other prisoners. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 126, and therefore the allegations are denied.

127. Admitted.

128. Admitted.

129. Admitted that the library at Greenville does not have a scanner. Denied to the extent it is purported that there is no accessible method to access documents. Admitted that time in the library is limited per visit. Denied to the extent that inmates can request multiple visits. Denied to the extent that Plaintiffs Courtney, Hajacos, and Rogers have not been denied requested time in the law library.

130. Denied that Deerfield has only one SARA scanner. Denied that inmates are limited in the times they may request to access the SARA scanner.

131. Denied that inmates have limited access to the SARA scanners. Denied that request forms are not accessible.

132. Denied.

**B. Blind Prisoners Lack Equal Access to Educational and Vocational Programs.**

133. Admitted.

134. Denied.

135. Denied.

136. Denied.

137. Denied that Plaintiff Courtney was enrolled in college courses. To the extent it is purported that education materials are not provided in accessible format or that requests for additional time are not honored, the allegations in Paragraph 137 are denied.

138. Admitted that Plaintiff Shabazz was enrolled in a computer course. Admitted that VDOC installed speech-to-text software for his use. The remaining allegations in Paragraph 138 are denied.

139. Admitted that Plaintiff Shabazz is enrolled in a GED course. Admitted that inmate tutors work in GED classes. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 139, and the allegations are therefore denied.

140. Admitted that Plaintiff Hajacos was enrolled in a computer class. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 140, and the allegations are therefore denied.

141. Admitted that Plaintiff McCann was previously enrolled in a horticulture class and dropped out. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 141, and the allegations are therefore denied.

142. Defendants lack sufficient information to admit or deny the allegations in Paragraph 142, and the allegations are therefore denied.

**C. Blind Prisoners Lack Equal Access to Work Assignments**

143. Admitted.

144. Denied.

145. The contents of VDOC policies and procedures speak for themselves, and as such no response is required to the allegations in Paragraph 145.

146. Admitted.

147. The contents of VDOC policies and procedures speak for themselves, and as such no response is required to the allegations in Paragraph 147.

148. The contents of VDOC policies and procedures speak for themselves, and as such no response is required to the allegations in Paragraph 148.

149. The contents of VDOC policies and procedures speak for themselves, and as such no response is required to the allegations in Paragraph 149.

150. To the extent the allegations in Paragraph 150 describe VDOC policies and procedures, those documents speak for themselves and as such no response is required. Denied that orientation manuals are not provided in an accessible format.

151. Admitted that job descriptions are made available in printed format. The remaining allegations in Paragraph 151 are denied.

152. Denied that all inmates with visual impairments are ineligible for Grade 3 assignments. Denied that all inmates with visual impairments are relegated to Grade 1 assignments or ineligible for all work.

153. Admitted that Plaintiff McCann was formerly assigned to work as a Housekeeper and that this was a Grade 1 work assignment. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 153, and the allegations are therefore denied.

154. Admitted that McCann is ineligible for some job assignments. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 154, and the allegations are therefore denied.

155. Admitted that McCann has worked as an Assistant to the ADA Coordinator and Counselor's Aide. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 155, and the allegations are therefore denied.

156. Admitted that Plaintiff Shabazz has worked as a laundry worker from 2017 through the present. Admitted that this is a Grade 2 work assignment. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 156, and the allegations are therefore denied.

157. Denied.

158. Admitted that Plaintiff Shaw does not currently have a job. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 158, and the allegations are therefore denied.

159. Admitted that Plaintiff Stravitz formerly worked as an aide for the GED course. Denied that he now works in the law library. Plaintiff Stravitz currently works in the regular library.

160. Defendants lack sufficient information to admit or deny the allegations in Paragraph 160, and therefore the allegations are denied.

161. Denied that VDOC has failed to provide assistive technology in the library. Denied that Plaintiff Stravitz's supervisor made the alleged comment. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 161, and the allegations are therefore denied.

162. Denied that Plaintiff Courtney has not held a job since May 2019. Defendant lack sufficient information to admit or deny the remaining allegations in Paragraph 162, and the allegations are therefore denied.

163. Admitted that Plaintiff Hajacos worked in the woodshop from February 2019 through December 2021. Admitted the woodshop workers were asked to move to the same housing unit as a precaution during the COVID-19 pandemic. Admitted Plaintiff Hajacos elected not to move to the new housing unit. Denied that accommodations would not have been made available in the new housing unit. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 163, and the allegations are therefore denied.

**D. Failure to Provide Reasonable Accommodations to Blind Prisoners**

164. The allegations in Paragraph 164 are a legal assertion to which no response is required.

165. Denied.

**1. Nacarlo Courtney**

166. Admitted.

167. Admitted that Plaintiff Courtney was housed at Sussex II State Prison. Admitted that staff at Sussex II State Prison dimmed Plaintiff Courtney's lighting by removing a light bulb. Denied that staff tinted Plaintiff Courtney's windows. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 167, and the allegations are therefore denied.

168. Defendants lack sufficient information to admit or deny the allegations in Paragraph 168, and the allegations are therefore denied.

169. Admitted the Plaintiff Courtney was transferred to Greenville Correctional center in November 2021. Denied that accommodations were taken away. Dimmer lights and tinted windows were approved when medical verification was received.

170. Admitted.

171. Denied. Plaintiff Courtney was scheduled for outside medical appointments in accordance with applicable policies and procedures.

172. Admitted that Plaintiff was admitted to the infirmary in May 2022. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 172, and the allegations are therefore denied.

173. Admitted that plaintiff was discharged from the infirmary on or around May 20, 2022. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 173, and the allegations are therefore denied.

174. Admitted that Plaintiff Courtney filed requests and grievances during this time. Denied to the extent it is purported that VDOC failed to provide accommodations.

175. Admitted.

176. Admitted that a letter and request were sent to Defendant Talbott on or around August 25, 2022. Defendants lack sufficient information to admit or deny the remaining allegations, and the allegations are therefore denied.

177. Admitted.

178. Admitted that complaints and requests for accommodation were submitted during this time. Admitted that requests were submitted to medical staff for approval. Denied that no response was provided.

179. Denied to the extent that staff tinted Plaintiff Courtney's windows and removed or dimmed lights. Denied to the extent that Plaintiff Courtney already had sunglasses and a fifteen inch television. Denied that Plaintiff Courtney's requests constituted reasonable accommodations for his impairment. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 179, and the allegations are therefore denied.

180. Defendants lack sufficient information to admit or deny the allegations in Paragraph 180, and the allegations are therefore denied.

181. Admitted that Plaintiff Courtney was moved into reentry housing in the fall of 2022. Denied that VDOC has not provided Plaintiff Courtney with reasonable accommodations. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 181, and the allegations are therefore denied.

182. Denied to the extent it is purported that charges were written in relation to these allegations. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 182, and the allegations are therefore denied.

**2. Michael McCann**

183. Admitted.

184. Admitted that Plaintiff McCann's caregiver was previously assigned to a bed in another part of the pod. Denied to the extent that Plaintiff McCann's caregiver is now assigned to a bed adjacent to McCann. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 184, and the allegations are therefore denied.

185. Admitted.

186. Defendants lack sufficient information to admit or deny the allegations in Paragraph 186, and the allegations are therefore denied.

187. Defendants lack sufficient information to admit or deny the allegations in Paragraph 187, and the allegations are therefore denied.

188. Defendants lack sufficient information to admit or deny the allegations in Paragraph 188, and the allegations are therefore denied.

189. Admitted that Plaintiff McCann's caregiver has been permitted to walk around the recreation area with him. Denied that Plaintiff McCann's caregiver is no longer permitted to walk around the recreation area with him or that McCann is restricted to walking across the basketball court. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 189, and the allegations are therefore denied.

190. Admitted that Plaintiff McCann received a magnifier from the Virginia Department for the Blind and Visually Impaired approximately five years ago. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 190, and they are therefore denied.

191. Admitted to the extent that Plaintiff McCann's request for a new magnifier was denied because McCann needed to undergo an eye examination to determine what strength of magnifier was needed. Denied to the extent that Plaintiff McCann will not need to pay for a new magnifier if he lacks funds to do so.

192. Admitted that Plaintiff McCann was provided a Sharpie by VDBVI. The remaining allegations in Paragraph 192 are denied.

193. Defendants lack sufficient information to admit or deny the allegations in Paragraph 193, and the allegations are therefore denied.

### **3. William Hajacos**

194. Denied that Plaintiff Hajacos is housed in the “ADA pod.” Admitted that Hajacos’ housing unit utilizes the titler system. Admitted that announcements are made verbally from the control room.

195. Denied.

196. Defendants lack sufficient information to admit or deny the allegations in Paragraph 196, and they are therefore denied.

197. Denied.

198. Defendants lack sufficient information to admit or deny the allegations in Paragraph 198, and the allegations are therefore denied.

199. Denied to the extent that Plaintiff Hajacos has been approved for magnifying glasses, an external keyboard, and a reading light. Defendants lack sufficient information to admit or deny whether Hajacos has requested or been approved for a larger television, and the allegation is therefore denied.

**E. Housing Accommodations**

**1. Deerfield**

200. Admitted.

201. Admitted.

202. Admitted that the Assisted Living Unit has a dorm-style layout and accommodates 47 inmates. Denied that there are currently 47 inmates residing in that unit.

203. Denied.

204. Denied that items frequently partially or fully obstruct the aisles. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 204, and the allegations are therefore denied.

205. Defendants lack sufficient information to admit or deny the allegations in Paragraph 205, and the allegations are therefore denied.

206. Admitted that Plaintiff Shaw previously lived in a single cell. Denied that the cell was converted into storage. Admitted that Shaw currently lives in general population dorm-style housing.

207. Defendants lack sufficient information to admit or deny the allegations in Paragraph 207, and the allegations are therefore denied.

208. Defendants lack sufficient information to admit or deny the allegations in Paragraph 208, and the allegations are therefore denied.

209. Denied to the extent it is purported that Plaintiff Shaw cannot privately and independently shower in his current housing assignment.

## **2. Greenville**

210. Denied.

211. Denied that Plaintiff Rogers was issued single cell orders. Defendants lack sufficient information to admit or deny whether Rogers is completely blind or uses a cane, and the allegation is therefore denied.

212. Defendants lack sufficient information to admit or deny the allegations in Paragraph 212, and the allegations are therefore denied.

213. Defendants lack sufficient information to admit or deny the allegations in Paragraph 213, and the allegations are therefore denied.

214. Defendants lack sufficient information to admit or deny the allegations in Paragraph 214, and the allegations are therefore denied.

215. Defendants lack sufficient information to admit or deny whether Plaintiff Rogers has been assigned a caregiver, and the allegation is therefore denied. Admitted that Rogers is currently assigned to a single cell. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 215, and the allegations are therefore denied.

**F. Failure to Provide Medically Necessary Treatment to Blind Prisoners.**

**1. Nacarlo Courtney**

216–38. The allegations in Paragraphs 216 through 238 are directed toward other defendants who are not party to this Answer. Thus, no response is required from the VDOC Defendants. To the extent a response is required, Defendants deny the allegations and demand strict proof thereof.

**2. William Stravitz**

239–47. The allegations in Paragraphs 239 through 247 are directed toward other defendants who are not party to this Answer. Thus, no response is required from the VDOC Defendants. To the extent a response is required, Defendants deny the allegations and demand strict proof thereof.

**G. Retaliation**

248. Admitted that letters were sent to Defendant Clarke and Defendant Talbott. Denied that VDOC has failed to provide Plaintiff Courtney with reasonable accommodations.

249. Defendants lack sufficient information to admit or deny the allegations in Paragraph 249, and the allegations are therefore denied.

250. Admitted.

251. Denied.

252. Denied.

253. Admitted that Defendant Smith had Plaintiff Courtney and four other inmates subjected to urinalysis on December 20, 2022. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 253, and the allegations are therefore denied.

254. Admitted that staff bathrooms do not have cameras. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 254, and the allegations are therefore denied.

255. Denied.

256. Admitted that Plaintiff Courtney tested positive for marijuana and amphetamines. Admitted that Plaintiff Courtney received a disciplinary charge. Denied that Plaintiff Courtney was informed of the result on December 20, 2022. Denied that these were the only two substances tested for.

257. Admitted that Plaintiff Courtney was released on March 16, 2023. Denied that Plaintiff lost any good time credits or privileges as a result of the disciplinary charge. Defendants lack sufficient information to admit or deny the remaining allegations in Paragraph 257, and the allegations are therefore denied.

258. Denied.

259. Denied.

**FIRST CLAIM FOR RELIEF:  
VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT  
42 U.S.C. § 12131 *et seq.*  
(All Plaintiffs against VDOC and VDOC Defendants, in their official capacities)**

260. Defendants incorporate their responses to the foregoing allegations as if fully set forth herein.

261–62. Paragraphs 261 through 270 state legal assertions to which no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any legal theory proposed in the Complaint.

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

271. Defendants incorporate their responses to the foregoing allegations as if fully set forth herein.

272–75. Paragraphs 272 through 275 state legal assertions to which no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any legal theory proposed in the Complaint.

**THIRD CLAIM FOR RELIEF:  
VIOLATION OF SECTION 504 OF THE REHABILITATION ACT  
29 U.S.C. § 794  
(All Plaintiffs against VDOC and VDOC Defendants, in their official capacities)**

276. Defendants incorporate their responses to the foregoing allegations as if fully set forth herein.

277–287. Paragraphs 277 through 287 state legal assertions to which no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any legal theory proposed in the Complaint.

**FOURTH CLAIM FOR RELIEF:  
VIOLATION OF THE VIRGINIANS WITH DISABILITIES ACT  
Va. Code Ann. § 51.5-40  
(All Plaintiffs against VDOC and VDOC Defendants, in their official capacities)**

288. Defendants incorporate their responses to the foregoing allegations as if fully set forth herein.

289–98. Paragraphs 289 through 298 state legal assertions to which no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any legal theory proposed in the Complaint.

**FIFTH CLAIM FOR RELIEF:  
BREACH OF MINISTERIAL DUTY TO PROCURE ACCESSIBLE TECHNOLOGY  
Va. Code Ann. § 2.2-2012  
(Mandamus Relief)  
(All Plaintiffs against Defendants VDOC and VITA, and Defendants Clarke, Miller, and  
Punturi, in their official capacities)**

299–308. Plaintiffs withdrew Count V in their response to the VDOC Defendants’ motion to dismiss. Therefore, no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any legal theory proposed in the Complaint.

**SIXTH CLAIM FOR RELIEF:  
VIOLATION OF THE INFORMATION TECHNOLOGY ACCESSIBILITY ACT  
Va. Code Ann. § 2.2-3500 *et seq.*  
(All Plaintiffs against Defendants VDOC and VITA, and Defendants Clarke, Miller, and  
Punturi, in their official capacities)**

309–23. Plaintiffs withdrew Count VI in their response to the VDOC Defendants’ motion to dismiss. Therefore, no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any legal theory proposed in the Complaint.

**SEVENTH CLAIM FOR RELIEF:  
VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION  
AND 42 U.S.C. § 1983  
(Nacarolo Courtney against Defendants VDOC, Edmonds, Punturi, Marano, Talbott,  
Armor, VitalCore, and Dr. Gore)**

324–332. Plaintiff Courtney dropped Count VII against the VDOC Defendants in his response to those Defendants’ motion to dismiss. Therefore, no response is required. To the

extent response is required, Defendants deny that they are liable to the Plaintiff on any legal theory proposed in the Complaint.

**EIGHTH CLAIM FOR RELIEF:  
VIOLATION OF THE EIGHTH AMENDMENT TO THE U.S. CONSTITUTION  
AND 42 U.S.C. § 1983  
(William Stravitz against Defendants VDOC, Miller, Williams, Armor, VitalCore, Dr.  
Harris, Nurse Lester, and Dr. Gupta)**

333–343. Plaintiff Stravitz dropped Count VIII against the VDOC Defendants in his response to those Defendants’ motion to dismiss. Therefore, no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiff on any theory proposed in the Complaint.

**NINTH CLAIM FOR RELIEF:  
VIOLATION OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION  
AND 42 U.S.C. § 1983  
(Nacarlo Courtney against Defendants Punturi, Talbott, and Smith, in their individual  
capacities)**

344–352. Plaintiff Courtney dropped Count IX in his response to the VDOC Defendants’ motion to dismiss. Therefore, no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiff on any theory proposed in the Complaint.

**TENTH CLAIM FOR RELIEF:  
GROSS NEGLIGENCE  
(All Plaintiffs against VDOC Defendants and Defendants Edmonds, Williams, and Smith in  
their individual capacities)**

353. Defendants incorporate their responses to the foregoing allegations as if fully set forth herein.

354–60. Paragraphs 354 through 360 state legal assertions to which no response is required. To the extent response is required, Defendants deny that they are liable to the Plaintiffs on any theory proposed in the Complaint.

**ELEVENTH CLAIM FOR RELIEF:  
NEGLIGENCE  
(Nacarlo Courtney against Armor, VitalCore, and Dr. Gore)**

361–67. Count XI is not asserted against the VDOC Defendants. Therefore, no response is required from those Defendants. To the extent response is required, Defendants deny that they are liable to the Plaintiff on any theory proposed in the Complaint.

**TWELFTH CLAIM FOR RELIEF:  
NEGLIGENCE  
(William Stravitz against Armor, VitalCore, Dr. Harris, Nurse Lester, and Dr. Gupta)**

368–74. Count XII is not asserted against the VDOC Defendants. Therefore, no response is required from those Defendants. To the extent response is required, Defendants deny that they are liable to the Plaintiff on any theory proposed in the Complaint.

**WHEREFORE, Plaintiffs respectfully request:**

375–88. Defendants deny that the Plaintiffs are entitled to any of the relief requested.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted and fails to satisfy the pleading requirements of the Federal Rules of Civil Procedure.

**SECOND DEFENSE**

Defendants deny that the claims in the Complaint are cognizable under the Americans with Disabilities Act, the Rehabilitation Act, any section or clause of the United States Constitution, or any other federal law or regulation.

**THIRD DEFENSE**

Defendants deny that the claims in the Complaint are cognizable under Virginia law.

FOURTH DEFENSE

Defendants deny that jurisdiction on the Complaint is conferred upon the Court by any federal law. Further, Defendants specifically deny that the Court has jurisdiction over any claim which might be construed to state a claim under state law.

FIFTH DEFENSE

Defendants deny that the Plaintiff has suffered any cognizable injuries or damages as a result of any act or omissions on the part of the Defendants and demand strict proof thereof.

SIXTH DEFENSE

Defendants deny that the Plaintiff has suffered the injuries and damages alleged and call for strict proof thereof.

SEVENTH DEFENSE

Plaintiff has failed to establish a physical injury that would entitle him to damages pursuant to 42 U.S.C. § 1997e(e).

EIGHTH DEFENSE

Defendants deny that they are indebted to or liable to the Plaintiff in any sum whatsoever.

NINTH DEFENSE

Defendants are immune from suit based upon the Eleventh Amendment, sovereign immunity, and the discharge of their official duties.

TENTH DEFENSE

Defendants are entitled to good faith and/or qualified immunity.

ELEVENTH DEFENSE

To the extent any claim can be construed as alleging negligence on the part of the Defendants, that claim is barred in this Court by the Eleventh Amendment.

TWELFTH DEFENSE

Any injunctive relief imposed must be narrowly drawn, extend no further than necessary to correct an actual violation of a federal right, and must be the least intrusive means necessary to correct that specific harm pursuant to 18 U.S.C. § 3626.

THIRTEENTH DEFENSE

Plaintiff National Federation for the Blind of Virginia lacks standing to assert the claims in this action.

FOURTEENTH DEFENSE

Plaintiffs are not entitled to monetary damages under the Americans with Disabilities Act, the Rehabilitation Act, or the Virginians with Disabilities Act.

FIFTEENTH DEFENSE

Some or all of Plaintiffs' injuries did not arise due to the actions of the Defendants.

SIXTEENTH DEFENSE

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

SEVENTEENTH DEFENSE

Plaintiffs failed to exhaust some or all of their claims as required under 42 U.S.C. § 1997e.

EIGHTEENTH DEFENSE

Plaintiff Nacarlo Courtney's claims for prospective relief are moot.

NINETEENTH DEFENSE

Plaintiffs have been provided with all reasonable accommodations to which they are entitled under federal or Virginia law.

TWENTIETH DEFENSE

Defendants will rely on any and all properly available defenses to this Complaint which may arise from Plaintiff's prosecution of this action and reserve the right to amend their Answer if at any time they should be so advised.

Respectfully submitted,

VIRGINIA DEPARTMENT OF CORRECTIONS,  
*ET AL.*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of July, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to the following:

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