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**FEDERAL CLASS ACTION FILED AGAINST NEW YORK AGENCIES THAT FAIL TO MAKE
IMPORTANT INFORMATION ACCESSIBLE TO BLIND AND SERIOUSLY VISUALLY
IMPAIRED INDIVIDUALS**

New York City and Philadelphia – A class action has been filed on behalf of the thousands of blind and seriously visually impaired residents of New York who receive Medicaid or Food Stamps benefits. The complaint alleges that New York City and state agencies and their commissioners have flouted federal, state, and local law by failing to make important information about those programs accessible to blind and seriously visually impaired individuals. The Defendants are the New York City Human Resources Administration, the New York State Office of Temporary and Disability Assistance, the New York State Department of Health, and their respective Commissioners, namely Robert Doar, Kristen Proud, and Nirav Shah, M.D. The lawsuit is pending in the United States District Court for the Southern District of New York and is docketed at *Rafferty, et al. v. Doar, et al.*, No. 13-Civ. 1410 (S.D.N.Y.).

Because the class members cannot read standard print materials, they need information in alternative formats such as Braille, large print, audio tapes, or accessible electronic formats. The law requires that government agencies communicate effectively with people with disabilities, and provide information in alternative formats when it is necessary to do so. Nevertheless, the Defendants have failed to create or distribute notices, applications, instructions, and other important documents in accessible alternate formats. The lawsuit alleges that their conduct violates the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the public accommodation requirements of the New York State and City Human Rights Laws, New York State Office of Temporary and Disability Assistance regulations, and the procedural due process rights guaranteed by the Fourteenth Amendment to the United States Constitution.

“Blind and seriously visually impaired individuals have a right to equal access to information about their public benefits. The failure to provide it is unlawful discrimination,” said Cary LaCheen, senior staff attorney at the National Center for Law and Economic Justice, and counsel for Plaintiffs. She added, “utilities and banks send notices and bills in alternative formats. Information about these public benefits programs is no less important. Yet the Defendants provide it in a format that is impenetrable to our clients.”

Michael Daly, a partner with Drinker Biddle & Reath LLP, co-counsel for Plaintiffs, agreed. Michael Daly, a partner with Drinker Biddle & Reath LLP, co-counsel for Plaintiffs, agreed. “When the government creates a public benefits program, it is obliged to make

information about that program available to the public. Not just some convenient subset of the public. The Defendants would hopefully agree that they cannot give our clients information that is inaccurate. It is passing strange, then, that they think they can give our clients information that is inaccessible.”

About the National Center for Law & Economic Justice:

The National Center for Law and Economic Justice is a national organization that uses litigation and other advocacy strategies to ensure that public benefits programs comply with the law. For nearly 50 years, its lawyers have led the way in advancing economic justice across the country; securing systemic reform in the delivery of income support and related human services; and safeguarding important legal and constitutional rights. www.nclej.org

About Drinker Biddle & Reath LLP:

Drinker Biddle & Reath LLP is a national law firm with more than 650 lawyers in 11 offices. Its lawyers serve clients in areas such as complex litigation, products liability, intellectual property, corporate and securities, corporate restructuring, employee benefits and executive compensation, environment and energy, government and regulatory affairs, health care, insurance coverage, investment management, labor and employment, life insurance and annuities, private client services, and real estate. The firm’s work on this matter is part of its Barbara McDowell High Impact Pro Bono Initiative, which it launched in 2009 in conjunction with the establishment of the McDowell Foundation (www.mcdowellfoundation.org) to honor the work of the late Barbara McDowell, a national leader in public interest advocacy who died of brain cancer. Ms. McDowell served as the founding director of the Appellate Advocacy Project of the Legal Aid Society of the District of Columbia and was the wife of Drinker Biddle partner Jerry Hartman, one of the attorneys representing the plaintiffs in this case. www.drinkerbiddle.com