

From: Westfall, Elizabeth (CRT)
Sent: Tue, 15 Nov 2022 18:56:05 +0000
To: CRT DRS Section
Subject: DAAG Weekly November 15, 2022
Attachments: DAAG November 15 2022 to OAAG.docx

DISABILITY RIGHTS SECTION WEEKLY REPORT

November 15, 2022

FROM: Rebecca Bond
Chief, Disability Rights Section

SUBJECT: Disability Rights Section Report for the Week Ending November 21, 2022

Significant Activities Last Week, This Week, Next Week, & 30-Day Look Ahead

**LAST WEEK'S EVENTS
(November 8 through November 14, 2022)**

Speaking Engagement

On November 8, 2022, representatives from the Disability Rights Section's management team—Rebecca Bond, Christina Galindo-Walsh, Roberta Kirkendall, Jennifer McDannell, Elizabeth McDonald, and Elizabeth Westfall—presented at the ADA National Network Project Director's Meeting in Arlington, Virginia, about the Section's work.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

(b) (5), (b) (6)

Other

Disability Rights Section staff and U.S. Attorney's Offices conducted ADA monitoring on Election Day in the following jurisdictions: Centre County, PA; Harris County, TX; Newton County, AR; Cole County, MO; Lexington County, SC; Los Angeles County, CA; Spartanburg County, SC.

THIS WEEK'S EVENTS **(November 15 through November 21, 2022)**

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)



United States v. Florida (S.D. Fla., No. 12-cv-60460) (DJ 204-18-212) (Elizabeth McDonald, (b) (6)): On November 15, 2022, the United States will appear at a virtual hearing before the magistrate judge on its motion for protective order to narrow the scope of the noticed Rule 30(b)(6) deposition of the United States and in opposition to the State's second motion to compel better interrogatory answers. The parties have agreed to postpone the 30(b)(6) deposition of the United States until the court's ruling. In this lawsuit, the United States alleges that Florida unnecessarily segregates children with complex medical needs in nursing facilities, and places other children at risk of such segregation, in violation of Title II of the Americans with Disabilities Act.

(b) (5), (b) (6), (b) (7)(A)



University of California at Berkeley (N.D. Cal.) (DJ 204-11-309) (Amanda Maisels, (b) (6)): The Disability Rights Section anticipates executing a consent decree in mid-November, and filing a complaint and consent decree on November 21, 2022. The parties reached a settlement in principle on October 3, 2022, but the Board of Regents of the University of

California will not be able to vote on the agreement until mid-November. On May 9, 2022, the Disability Rights Section obtained authorization from the OAAG to file a lawsuit against the University of California at Berkeley (UC Berkeley) alleging that the university violates Title II of the Americans with Disabilities Act by providing public online content, such as courses, lectures, and conferences, that is inaccessible to individuals with disabilities, including those who have vision, hearing, and certain mobility disabilities. On May 24, 2022, the Section sent a letter notifying UC Berkeley, and the parties held multiple settlement negotiations. Under the terms of the proposed consent decree, which must be approved by the Court, UC Berkeley will make all future and the vast majority of its existing online content accessible to people with disabilities.

Regulations, Interpretation, and Coordination

Launch of new ADA.gov (Christina Galindo-Walsh, (b) (6)) The launch of the new version of the Americans with Disabilities Act (ADA) website, www.ada.gov, is planned for the evening of November 17, 2022. The redesigned website, which is fully compatible with mobile devices, is written in plain language so that information is easy to understand. The website includes improved navigation tools that will help users to find the information they seek more quickly. The website also provides overviews of featured topics. These overviews are designed to answer 80 percent of common questions about each topic by giving high-level, plain-language summaries of information about the ADA that the department has previously made available in other ways. The legacy ADA.gov will be available at archive.ADA.gov; archiving the legacy site simply means that the site will no longer be updated.

NEXT WEEK'S EVENTS (November 22 through November 28, 2022)

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

No items to report.

30-DAY LOOK AHEAD

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

(b) (5), (b) (6)

(b) (5), (b) (6)

(b) (5)

Elizabeth S. Westfall
Deputy Chief
Disability Rights Section, Civil Rights Division
U.S. Department of Justice
150 M Street, NE / 9.216
Washington, DC 20002

(b) (6)

From: Westfall, Elizabeth (CRT)
Sent: Tue, 8 Nov 2022 16:41:47 +0000
To: CRT DRS Section
Subject: DAAG Weekly for Week Ending Nov 14, 2022
Attachments: DAAG November 7 2022 to OAAG.docx

DISABILITY RIGHTS SECTION WEEKLY REPORT

November 8, 2022

FROM: Rebecca Bond
Chief, Disability Rights Section

SUBJECT: Disability Rights Section Report for the Week Ending November 14, 2022

Significant Activities Last Week, This Week, Next Week, & 30-Day Look Ahead

LAST WEEK'S EVENTS (November 1 through November 7, 2022)

Speaking Engagement

On November 1, 2022, a representative from the Disability Rights Section—Trial Attorney Megan Schuller—presented virtually at the Digital Accessibility Legal Summit about the Section's accessible technology work.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

United States v. Florida (S.D. Fla., No. 12-cv-60460) (DJ 204-18-212) (Elizabeth McDonald, (b) (6)) On October 31, 2022, the Section filed a motion for protective order to narrow the scope of the noticed Rule 30(b)(6) deposition of the United States. The Section filed its opposition to the State's second motion to compel better interrogatory answers on November 2, 2022. Magistrate Judge Hunt will likely hear both motions simultaneously, sometime before November 17, 2022. In this lawsuit, the United States alleges that Florida unnecessarily segregates children with complex medical needs in nursing facilities, and places other children at risk of such segregation, in violation of Title II of the Americans with Disabilities Act.

United States v. North Carolina (E.D.N.C.) (DJ 204-54-121) (Elizabeth McDonald, (b) (6)) Section staff traveled to North Carolina on November 3-4, 2022 for a site visit and a quarterly parties' meeting with the State. The parties entered into a settlement agreement in 2012 to resolve allegations that the State was unnecessarily segregating thousands of individuals with serious mental illness in adult care homes, in violation of Title II of the Americans with Disabilities Act. On March 26, 2021, the United States and the State jointly moved to enter a modification of their

settlement agreement. The modification extended most of the agreement through July 1, 2023, while allowing some of its provisions to expire on July 1, 2021. The U.S. Attorney's Office was notified of the visit.

Regulations, Interpretation, and Coordination

(b) (5), (b) (6)

THIS WEEK'S EVENTS (November 8 through November 14, 2022)

Speaking Engagements

On November 8, 2022, representatives from the Disability Rights Section's management team-- Rebecca Bond, Christina Galindo-Walsh, Roberta Kirkendall, Jennifer McDannell, Elizabeth McDonald, and Elizabeth Westfall--will present at the ADA National Network Project Director's Meeting in Arlington, Virginia, about the Section's work.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

No items to report.

Other

Disability Rights Section staff and U.S. Attorney's Offices will conduct ADA monitoring on Election Day in the following jurisdictions: Centre County, PA; Harris County, TX; Newton

County, AR; Cole County, MO; Lexington County, SC; Los Angeles County, CA; Spartanburg County, SC.

NEXT WEEK'S EVENTS
(November 15 through November 21, 2022)

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)



Betancourt-Colon v. City of San Juan (D.P.R.) (DJ No. 204-65-37) (Amanda Maisels, (b) (6))
(b) (6): On November 17, 2022, Disability Rights Section staff will participate in a virtual court mediation session with the parties. Section staff recently participated in in-person negotiations and a mediation in San Juan during the week of October 24. Those discussions were productive, and the parties are optimistic that they will have an agreement in principle by the conclusion of the mediation session on November 17. On September 12, 2022, the Section intervened in this private suit alleging that the public sidewalk system in San Juan is inaccessible in violation of Title II of the Americans with Disabilities Act. The Section previously filed a statement of interest in this matter and its resolution is directly relevant to the Section's enforcement of related noncompliance findings referred by the Federal Highway Administration in March 2022.

University of California at Berkeley (N.D. Cal.) (DJ 204-11-309) (Amanda Maisels, (b) (6))
(b) (6) The Disability Rights Section anticipates executing a consent decree in mid-November, and filing a complaint and consent decree on November 21, 2022. The parties reached a settlement in principle on October 3, 2022, but the Board of Regents of the University of California will not be able to vote on the agreement until mid-November. On May 9, 2022, the Disability Rights Section obtained authorization from the OAAG to file a lawsuit against the University of California at Berkeley (UC Berkeley) alleging that the university violates Title II of the Americans with Disabilities Act by providing public online content, such as courses, lectures, and conferences, that is inaccessible to individuals with disabilities, including those who have vision, hearing, and certain mobility disabilities. On May 24, 2022, the Section sent a letter notifying UC Berkeley, and the parties held multiple settlement negotiations. Under the terms of the proposed consent decree, which must be approved by the Court, UC Berkeley will

make all future and the vast majority of its existing online content accessible to people with disabilities.

Regulations, Interpretation, and Coordination

No items to report.

30-DAY LOOK AHEAD

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

(b) (5), (b) (6), (b) (7)(A)

(b) (5), (b) (6), (b) (7)(A)

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

(b) (5), (b) (6)

(b) (5), (b) (6)

Elizabeth S. Westfall
Deputy Chief
Disability Rights Section, Civil Rights Division
U.S. Department of Justice
150 M Street, NE / 9.216
Washington, DC 20002

(b) (6)

From: Johnson, Elizabeth (CRT)
Sent: Wed, 26 Oct 2022 13:40:26 +0000
To: Herren, Chris (CRT)
Cc: Russ, Bert (CRT); Maisels, Amanda (CRT); Westfall, Elizabeth (CRT)
Subject: DRS and USAO Staff doing ADA election monitoring

Hi Chris,

The following counties will have DRS and USAO personnel conducting investigations in:

Center County, PA: (b) (5) on Election Day

Los Angeles County, CA: (b) (5) during early voting (there may be (b) (5) (b) (5))

Sitka City-Borough, AK: (b) (5) during early voting

We are unsure yet if we will be in:

Newton County, AR: (b) (5) during early voting and on Election Day

Kansas City, MO: (b) (5)

I will confirm later this week. Amanda will supply you with the Harris County numbers. Also, (b) (5), (b) (7)(A)

(b) (5), (b) (7)(A)

(b) (5), (b) (7)(A)

Please let me know if you need anything else.
Thanks, Elizabeth

From: Westfall, Elizabeth (CRT)
Sent: Tue, 8 Nov 2022 16:41:15 +0000
To: Mathis, Jennifer (CRT);Weiner, Robert (CRT);Cochran, Shaylyn (CRT)
Cc: Bond, Rebecca (CRT);Young, Anna (CRT)
Subject: DRS DAAG Weekly for the Week Ending Nov 14, 2022
Attachments: DAAG November 7 2022 to OAAG.docx

Hi, all – please see attached DRS DAAG Weekly for the Week Ending Nov 14, 2022.

Thanks,
Elizabeth

Elizabeth S. Westfall
Deputy Chief
Disability Rights Section, Civil Rights Division
U.S. Department of Justice
150 M Street, NE / 9.216
Washington, DC 20002

(b) (6)

From: Westfall, Elizabeth (CRT)
Sent: Tue, 15 Nov 2022 18:56:00 +0000
To: Mathis, Jennifer (CRT);Cochran, Shaylyn (CRT);Weiner, Robert (CRT)
Cc: Bond, Rebecca (CRT);Young, Anna (CRT)
Subject: DRS DAAG Weekly for the Week Ending November 21, 2022
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Hi, all – please see attached DRS DAAG Weekly for the Week Ending November 21, 2022.

Thanks,
Elizabeth

Elizabeth S. Westfall
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Disability Rights Section, Civil Rights Division
U.S. Department of Justice
150 M Street, NE / 9.216
Washington, DC 20002

(b) (6)

DISABILITY RIGHTS SECTION WEEKLY REPORT

November 15, 2022

FROM: Rebecca Bond
Chief, Disability Rights Section

SUBJECT: Disability Rights Section Report for the Week Ending November 21, 2022

Significant Activities Last Week, This Week, Next Week, & 30-Day Look Ahead

LAST WEEK'S EVENTS (November 8 through November 14, 2022)

Speaking Engagement

On November 8, 2022, representatives from the Disability Rights Section's management team—Rebecca Bond, Christina Galindo-Walsh, Roberta Kirkendall, Jennifer McDannell, Elizabeth McDonald, and Elizabeth Westfall—presented at the ADA National Network Project Director's Meeting in Arlington, Virginia, about the Section's work.

Enforcement

(b) (5), (b) (6), (b) (7)(A) [REDACTED]

Regulations, Interpretation, and Coordination

(b) (5), (b) (6) [REDACTED]

Other

Disability Rights Section staff and U.S. Attorney's Offices conducted ADA monitoring on Election Day in the following jurisdictions: Centre County, PA; Harris County, TX; Newton County, AR; Cole County, MO; Lexington County, SC; Los Angeles County, CA; Spartanburg County, SC.

THIS WEEK'S EVENTS
(November 15 through November 21, 2022)

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

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(b) (5), (b) (6), (b) (7)(A)

University of California at Berkeley (N.D. Cal.) (DJ 204-11-309) (Amanda Maisels, (b) (6)) (b) (6) The Disability Rights Section anticipates executing a consent decree in mid-November, and filing a complaint and consent decree on November 21, 2022. The parties reached a settlement in principle on October 3, 2022, but the Board of Regents of the University of California will not be able to vote on the agreement until mid-November. On May 9, 2022, the Disability Rights Section obtained authorization from the OAAG to file a lawsuit against the University of California at Berkeley (UC Berkeley) alleging that the university violates Title II of the Americans with Disabilities Act by providing public online content, such as courses, lectures, and conferences, that is inaccessible to individuals with disabilities, including those who have vision, hearing, and certain mobility disabilities. On May 24, 2022, the Section sent a letter notifying UC Berkeley, and the parties held multiple settlement negotiations. Under the

terms of the proposed consent decree, which must be approved by the Court, UC Berkeley will make all future and the vast majority of its existing online content accessible to people with disabilities.

Regulations, Interpretation, and Coordination

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NEXT WEEK'S EVENTS (November 22 through November 28, 2022)

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

No items to report.

30-DAY LOOK AHEAD

Speaking Engagements

No items to report.

Enforcement

(b) (5), (b) (6), (b) (7)(A)

(b) (5), (b) (6), (b) (7)(A)

Regulations, Interpretation, and Coordination

(b) (5), (b) (6)

(b) (5), (b) (6)

From: Johnson, Elizabeth (CRT)
Sent: Wed, 19 Oct 2022 00:26:22 +0000
To: Russ, Bert (CRT)
Cc: Westfall, Elizabeth (CRT)
Subject: Election Monitoring

Bert, so far USAOs will be conducting an investigation during the election in the following counties:

Los Angeles County, CA

Centre County, PA

(b) (5), (b) (7)(A)

DRS and the USAO will also be in the Sitka City Borough, AK

Thanks!

Elizabeth Johnson

Senior Trial Attorney

Disability Rights Section

Civil Rights Division

Department of Justice

(b)(6)

20 (b) (6)

From: Westfall, Elizabeth (CRT)
Sent: Tue, 8 Nov 2022 16:02:20 +0000
To: Baldwin, Anna (CRT)
Subject: FW: In the Cole County, MO meeting today

There will be more of this to come....

From: Kirkendall, Roberta (CRT) (b) (6)
Sent: Monday, November 7, 2022 2:33 PM
To: Bond, Rebecca (CRT) (b) (6); Westfall, Elizabeth (CRT)
(b) (6)
Cc: Raish, Anne (CRT) (b) (6); Kijewski, Kevin (CRT) (b) (6)
McDannell, Jennifer (CRT) (b) (6); McDonald, Elizabeth (CRT)
(b) (6); Maisels, Amanda (CRT) (b) (6)
Subject: In the Cole County, MO meeting today

(b) (5)

Roberta S. Kirkendall
Special Legal Counsel
U.S. Attorney Program for ADA Enforcement
Disability Rights Section
Civil Rights Division
Department of Justice
(b) (6)

From: Westfall, Elizabeth (CRT)
Sent: Tue, 8 Nov 2022 15:18:46 +0000
To: Fox, Deena (CRT)
Subject: FW: In the Cole County, MO meeting today

Re: Missouri

Duplicative Material



From: Fox, Deena (CRT)
Sent: Tue, 8 Nov 2022 15:59:54 +0000
To: Westfall, Elizabeth (CRT)
Subject: RE: In the Cole County, MO meeting today

Oy. Thank you for the heads up.

Duplicative Material



From: Baldwin, Anna (CRT)
Sent: Tue, 8 Nov 2022 16:04:00 +0000
To: Westfall, Elizabeth (CRT)
Subject: RE: In the Cole County, MO meeting today

Sigh... they all are on the same group chat.

Duplicative Material



From: Baldwin, Anna (CRT)
Sent: Tue, 8 Nov 2022 17:03:37 +0000
To: Westfall, Elizabeth (CRT)
Subject: RE: In the Cole County, MO meeting today

Is the MO part of this story about this meeting?

<https://www.washingtonpost.com/politics/2022/11/08/justice-department-monitors-florida-desantis/>

Duplicative Material



From: Westfall, Elizabeth (CRT)
Sent: Tue, 8 Nov 2022 21:28:09 +0000
To: Baldwin, Anna (CRT)
Subject: RE: In the Cole County, MO meeting today

Yep...MO and FL refused to let us into the polling places.

Duplicative Material



From: Bond, Rebecca (CRT)
Sent: Mon, 7 Nov 2022 21:24:16 +0000
To: Westfall, Elizabeth (CRT)
Subject: Re: DRS ADA Election monitoring

Yes, I think we should.

Sent from my iPhone

On Nov 7, 2022, at 4:19 PM, Westfall, Elizabeth (CRT) (b) (6) wrote:

Should I include this in the DAAG weekly?

From: Westfall, Elizabeth (CRT)
Sent: Wednesday, November 2, 2022 10:37 AM
To: Mathis, Jennifer (CRT) (b) (6)
Cc: Bond, Rebecca (CRT) (b) (6); Raish, Anne (CRT) (b) (6)
Subject: DRS ADA Election monitoring

Hi, Jennifer – I am writing to provide you with a list of jurisdictions in which DRS and USAOs will be doing ADA monitoring during early voting or on Election Day. We have also provided this list to the Voting Section.

Please let us know if you have questions.

Thanks,
Elizabeth

Center County, PA: (b) (5) on Election Day
Los Angeles County, CA: (b) (5) during early voting
Sitka City-Borough, AK: (b) (5) during early voting
Harris County, TX: (b) (5)
Newton County, AR: (b) (5) on Election Day
Cole County, MO: (b) (5) during in person absentee and on Election Day
Lexington County, SC: (b) (5) on Election Day
Spartanburg County, SC: (b) (5) on Election Day

Elizabeth S. Westfall
Deputy Chief
Disability Rights Section, Civil Rights Division
U.S. Department of Justice
150 M Street, NE / 9.216
Washington, DC 20002

(b) (6)

From: Johnson, Elizabeth (CRT)
Sent: Tue, 1 Nov 2022 22:01:21 +0000
To: Herren, Chris (CRT); Maisels, Amanda (CRT)
Cc: Russ, Bert (CRT); Westfall, Elizabeth (CRT)
Subject: RE: DRS and USAO Staff doing ADA election monitoring

Hi Chris, updates to our election monitoring in bold.

Center County, PA: (b)(5) on Election Day
Los Angeles County, CA: (b)(5) during early voting
Sitka City-Borough, AK: (b)(5) during early voting
Harris County, TX: (b)(5)
Newton County, AR: (b)(5) on Election Day
Cole County, MO: (b)(5) during in person absentee and on Election Day
Lexington County, SC: (b)(5) on Election Day
Spartanburg County, SC: (b)(5) on Election Day

-----Original Message-----

From: Herren, Chris (CRT) (b)(6)
Sent: Wednesday, October 26, 2022 10:08 AM
To: Maisels, Amanda (CRT) (b)(6) Johnson, Elizabeth (CRT)
(b)(6)
Cc: Russ, Bert (CRT) (b)(6) Westfall, Elizabeth (CRT) (b)(6)
Subject: RE: DRS and USAO Staff doing ADA election monitoring

Thanks so much!

-----Original Message-----

From: Maisels, Amanda (CRT) (b)(6)
Sent: Wednesday, October 26, 2022 10:08 AM
To: Herren, Chris (CRT) (b)(5) Johnson, Elizabeth (CRT)
(b)(6)
Cc: Russ, Bert (CRT) (b)(6) Westfall, Elizabeth (CRT) (b)(6)
Subject: RE: DRS and USAO Staff doing ADA election monitoring

And we will have (b)(5) people in Harris County (b)(5).

Amanda Maisels
Deputy Chief
Disability Rights Section
(b)(6)

-----Original Message-----

From: Herren, Chris (CRT) (b)(6)
Sent: Wednesday, October 26, 2022 9:41 AM
To: Johnson, Elizabeth (CRT) (b)(6)
Cc: Russ, Bert (CRT) (b)(6) Maisels, Amanda (CRT) (b)(6);
Westfall, Elizabeth (CRT) (b)(6)

Subject: RE: DRS and USAO Staff doing ADA election monitoring

Thanks so much for your help!

Duplicative Material



From: Johnson, Elizabeth (CRT)
Sent: Mon, 7 Nov 2022 21:38:00 +0000
To: Westfall, Elizabeth (CRT)
Subject: Re: for DAAG weekly

Los Angeles County, too. On Election Day, though, (b) (5)

And I would say “during the November 8 general election” or “on Election Day.”

And Centre County is spelled Centre.

Thanks!

On Nov 7, 2022, at 3:27 PM, Westfall, Elizabeth (CRT) (b) (6) wrote:

Hi – is this accurate? It’s for the DAAG weekly.

Disability Rights Section staff and U.S. Attorney's Offices will conduct ADA monitoring during Election Day in the following jurisdictions: Center County, PA; Harris County, TX; Newton County, AR; Cole County, MO; Lexington County, SC; Spartanburg County, SC.

Elizabeth S. Westfall
Deputy Chief
Disability Rights Section, Civil Rights Division
U.S. Department of Justice
150 M Street, NE / 9.216
Washington, DC 20002

(b) (6)

From: Bond, Rebecca (CRT)
Sent: Mon, 7 Nov 2022 19:36:04 +0000
To: Kirkendall, Roberta (CRT); Westfall, Elizabeth (CRT)
Cc: Raish, Anne (CRT); Kijewski, Kevin (CRT); McDannell, Jennifer (CRT); McDonald, Elizabeth (CRT); Maisels, Amanda (CRT)
Subject: RE: In the Cole County, MO meeting today

Thanks for letting us know.

Duplicative Material

