

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CIVIC ASSOCIATION OF THE DEAF OF :
NEWYORK CITY, INC. (also known as :
the New York City Civic Association :
of the Deaf) and STEVEN G. YOUNGER II, :
on behalf of themselves and all :
others similarly situated, :

Plaintiffs,

95 Civ. 8591 (RWS)

- against -

RUDOLPH GIULIANI, as Mayor of the :
City of New York, HOWARD SAFIR, as :
Commissioner of the Fire Department :
of the City of New York, CARLOS :
CUEVAS, as City Clerk and Clerk of :
The New York City Council, PETER :
VALLONE, as Speaker and Majority :
Leader of the New York City Council, :
THOMAS OGNIBENE, as Minority Leader :
of the New York City Council, and :
the CITY OF NEW YORK, :

**DECLARATION
OF HUBERTA G.
SCHROEDEL**

Defendants.

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HUBERTA G. SCHROEDEL, for her declaration pursuant to 28 U.S.C. 1746, states as follows:

1. I am a member of the Class, and reside in New York, New York. I make this declaration in opposition to the defendants' Motion to Modify or Vacate the Permanent Injunction.

2. I am a member of The Civic Association of the Deaf of New York City, Inc., one of

the original class plaintiffs in this action, and currently serve as its Vice President. I have been a member of the Civic Association since 1974, and have been Vice President since 1998. One of my duties as Vice President is to organize events that will serve the Deaf community, such as bringing in speakers to discuss issues that affect the Deaf population of New York City. I am also a member of the National Association of the Deaf and have been a member of that organization for a number of years.

3. I work for the Department of Education as a supervisor for Hearing Education Services in District 75. It is a citywide program for students with disabilities. I'm responsible for supervising licensed teachers and paraprofessionals who work with Deaf and Hard of Hearing students in various settings such as general education, special education and in self-contained classes. Before I became a supervisor, I worked for the Department of Education's predecessor, the Board of Education, as a teacher for the Deaf for 23 years.

4. I am a profoundly Deaf individual and use American Sign Language to communicate. I can also "voice", which means speak to people who can hear. I can do this because I wasn't born deaf. I became Deaf at the age of six. I am what is known in the Deaf community as a "postlingual" person.

5. Because of my work as an advocate for Deaf and Hard of Hearing individuals, my work as a civic advocate in the Deaf community, and an educator of Deaf students, I am knowledgeable about the condition of deafness and the life skills a Deaf or Hard of Hearing person needs to effectively function and communicate in society. I stay current in developments regarding the state of technology used by Deaf and Hard of Hearing individuals, and developments affecting utilization of emergency services by Deaf and Hard of Hearing individuals.

6. I learned of the injunction in this case when it was issued in the mid-1990's.

Because of this case, I know that Deaf and Hard of Hearing people can use New York City's street alarm box system to summon emergency assistance from the streets of New York. A very long time ago, to the best of my recollection it was in the 1980's, the Fire Department sent a speaker to a Civic Association meeting about emergency response and demonstrated how the alarm boxes work to summon assistance. Their presentation included a film.

7. Following the ruling in this case in 1996, we invited the Fire Department to come to another meeting, and they did not respond. We did have another speaker from the Fire Department speaking about fire safety in about 1999. Although I am an educator of Deaf students, and was aware of the ruling in this case in the mid-1990's and thus familiar with the use of alarm boxes as a device which Deaf and Hard of Hearing people can use to summon emergency assistance from the street, since the ruling in this case in 1996 I do not ever recall seeing a publication or other notification from the City about how a Deaf or Hard of Hearing person can summon assistance from the police or fire department from the street, until after the City made the motion to vacate the injunction in this case in 2010. I became aware that the Mayor's Office for People with Disabilities (MOPD) placed information on using the street alarm box system on its website in 2010 after it was brought to my attention by attorneys for the Civic Association Class. I am also unaware of any training or informational materials the City has issued to the Deaf community about using the alarm boxes, a tapping protocol, or how to summon assistance using a public pay phone from the time of the ruling in this case in the mid-1990's until the posting of the information on the MOPD website after the City made the current motion to vacate the injunction.

8. The City of New York seeks to vacate the injunction, remove the

alarm box system, and proposes that in its place Deaf and Hard of Hearing people summon assistance from the streets using public pay telephones in conjunction with a tapping code.

9. As a Deaf person, Deaf educator and Deaf advocate, the City's proposal would leave Deaf and Hard of Hearing people without a means of summoning emergency assistance from the streets.

10. You don't need to be a Hearing person to notice that since the issuance of this injunction in the mid-1990's, there are substantially fewer public pay telephones on the streets of New York City. Since I became aware that the City has made this motion to remove the street alarm box system, I have noticed that on virtually every street I use, there are often fewer public pay phones than street fire alarm boxes, and often no public pay phones within sight.

11. Deaf people cannot use public pay telephones. We cannot tell if a pay phone works, or if a person has answered and can hear us vocalize, tap or otherwise attempt to communicate. An obvious difference between the street alarm box system and a public pay telephone is that the former is maintained by the city, and the latter is privately owned and operated. I have paid particular attention to public pay telephones on the street since the city made this motion, and it is clear to me that more often than not, public pay telephones are broken and derelict, and there is no way for me to know if any one I might attempt to use works. On the other hand, I do know that, when I need to use a street alarm box the call will be answered and responded to.

12. I have had personal experiences using the street alarm boxes on several occasions. One was during the summer of 2010 on a Saturday afternoon when I saw a woman get hit by a car on Seventh Avenue and 55th Street in Manhattan. I was alone and there was no one else there, no one was calling 911. I saw an alarm box and I pressed the blue alarm button, which I know is used to summon police. The police came in response to my call, and then an ambulance

came. The City's attorney asked me about this incident during a deposition on March 8, 2011. Ms. Gantz asked me how I communicated with the dispatcher. I told her I don't know how to communicate with a dispatcher. I just used the alarm box and help arrived. On another occasion four or five years ago I used a street alarm box to summon help from the police when I saw a fight between two teenagers on the street. The police came to the scene.

13. I know I could not have called for help on those occasions if the alarm boxes were not available.

14. I was informed by Franklin Siegel, one of the lawyers for the Civic Association Class, that a Fire Department Deputy Commissioner who is involved in the effort to remove the alarm box system, suggested that if the alarm boxes are removed, Deaf people could also seek emergency assistance by using a cell phone or calling a friend and asking the friend to contact 911 to send assistance. Many, if not most, Deaf people do not have the ability to use cell phones the way hearing people do, i.e., dial and speak. Because of this fact of life, cell phones are useless for summoning help from the street.

15. I don't have a cell phone because I can't use one.

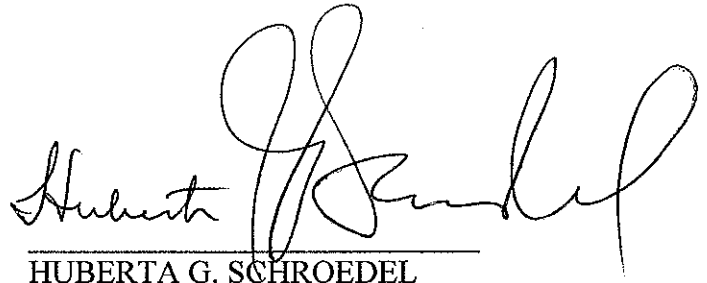
16. I do have a mobile texting device, but I cannot use it to summon emergency assistance from 911 because 911 does not take texts.

17. Similarly, the Fire Department official's suggestion that a Deaf person contact a friend to summon assistance when the Deaf person needs emergency assistance on the street is both impractical and absurd. Emergencies don't allow the time to find a friend. Even if one could reach a friend in an emergency, they might not be able or available to help. Moreover, the City's suggestion that Deaf people rely on a friend to access the E911 system contravenes the letter and spirit of the ADA by perpetuating Deaf people's dependence on others to access

emergency services. By contrast when a Deaf person uses a street alarm box, they can be confident that a city emergency assistance dispatcher will answer, will know where the call is coming from and will know what to do.

18. During all the years this injunction has been in effect, I have never heard of city officials contacting deaf organizations, leaders or individuals to discuss alternatives to the street alarm box system. I believe that if the City had ever conducted that kind of outreach, I would have noticed it because of my awareness of the Civic Association of the Deaf case injunction, and my work and advocacy in the deaf community.

19. In light of the City's inaction for over 15 years, I ask the Court to deny the City's motion to vacate the injunction and remove the street alarm boxes. In light of the absence of efforts by the City to devise an accessible notification system, and to instead seek to relegate the Deaf and Hard of Hearing to use public pay telephones, a private system which is moving toward extinction, that is often broken and that deaf and hard of hearing people cannot use, I ask this Court to deny the City's motion in its entirety, and for such other and further relief this Court deems just.


HUBERTA G. SCHROEDEL

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 18, 2011.