

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Civil Action Number:

JUAN CARLOS GIL, On His Own Behalf,
and On Behalf of All Other Individuals
Similarly Situated,

Plaintiffs,

vs.

PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY FLORIDA,
d/b/a JACKSON HEALTH SYSTEM and www.jacksonhealth.org,

Defendant.

CLASS ACTION COMPLAINT

COMES NOW Plaintiff Juan Carlos Gil, on his own behalf and on behalf of all Other Individuals Similarly Situated, by and through his undersigned counsel, and hereby sue Defendant Public Health Trust of Miami-Dade County Florida (doing business as Jackson Health System) for injunctive relief, attorney's fees and costs (including, but not limited to, court costs and expert fees) pursuant to Title III of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12181-12189 ("ADA"), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), 28 C.F.R. Part 36 and alleges as follows:

INTRODUCTORY STATEMENT

1. Plaintiff Juan Carlos Gil on his own behalf and on behalf of all Other Individuals Similarly Situated brings this action in Federal Court to stop the

marginalization of blind, vision impaired, and low vision patrons of Defendant Public Health Trust of Miami-Dade County Florida's business.

2. Businesses can make choices (unlike visually impaired individuals) and can either make their businesses inclusive, or they can make them effective **Zones of Discrimination** and exclude the visually-impaired.

3. When business owners do not take steps necessary to notice people of their businesses limitations to provide auxiliary aids and services, they are not only marginalizing the visually impaired community, but they are actively excluding them from their business, which in fact segregates the disabled into being non-participants, i.e.: second-class citizens.

4. This case arises out of the fact that Defendant Public Health Trust of Miami-Dade County Florida has operated its business in a manner and way that completely excludes individuals who are visually impaired from access to Defendant's business based upon Defendant's failure to provide auxiliary aids and services for effective communications.

5. Defendant Public Health Trust of Miami-Dade County Florida (also referenced as "Defendant") owns and operates places of public accommodation under the name "Jackson Health System" which is a diverse medical facility which includes hospitals, labs, various specialty clinics, medical offices, diagnostic centers, physical therapy and rehabilitation facilities, pharmacies, and an urgent care/emergency trauma center (also referenced herein as "medical facilities").

6. This complaint seeks declaratory and injunctive relief to correct Defendant's policies and practices to include measures necessary to ensure compliance

with federal law, to provide auxiliary aids and services for effective communication in Defendant's business (which includes Defendant's Website) so that Plaintiff (and other individuals who are visually impaired) can access and communicate with Defendant effectively and timely such that their access to Jackson Health System's various medical facilities are not impeded; as such impediment has rendered Defendant's physical places of accommodation not fully accessible to the visually impaired.

JURISDICTION & VENUE

7. This is an action for declaratory and injunctive relief pursuant to Title III of the Americans With Disabilities Act, 42 U.S.C. §§12181-12189 ("ADA"), 28 U.S.C. § 1331, 28 C.F.R. § 36.201 and to prevent discrimination which includes equal access and effective communications with Defendant's business.

8. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 1343, because they arise under the ADA and/or Section 504.

9. Venue in this Court is proper pursuant to 28 U.S.C. §1391(b) because the Defendant is conducting business within the within the jurisdiction of this court by virtue of the fact its website is available to the general public within this district and the acts constituting the violation of the ADA occurred in this District. Further, Defendant's hospitals, labs, various specialty clinics, medical offices, diagnostic centers, physical therapy and rehabilitation facilities, pharmacies, urgent care centers, and trauma center are located in the district. In addition, the Defendant is authorized to conduct business within the state of Florida as a public health trust.

10. Plaintiff seeks declaratory and injunctive relief pursuant to 28 U.S.C. §§s 2201 and 2202.

THE PARTIES

Juan Carlos Gil

11. Plaintiff Juan Carlos Gil (also referenced as “Plaintiff,” or “Plaintiff Gil”) is a resident of the state of Florida and resides within the Southern judicial district, is *sui juris*, is disabled as defined by the ADA and Section 504 of the Rehabilitation Act.

12. Plaintiff Gil is legally blind and a member of a protected class under the ADA, 42 U.S.C. § 12102(1)-(2), the regulations implementing the ADA set forth at 28 CFR §§ 36.101 *et seq.* and in 42 U.S.C. 3602, §802(h). Plaintiff suffers optic nerve damage; as such, he is legally blind. Further, Juan Carlos Gil suffers from cerebral palsy, is unable to walk and is confined to a wheelchair. Therefore, Plaintiff Gil is substantially limited in performing one or more major life activities, including (but not limited to) accurately visualizing his world and adequately traversing obstacles.

13. Plaintiff Gil cannot use the computer without the assistance of screen reader¹ software.

Other Plaintiffs Similarly Situated – Class Members

14. Other plaintiffs similarly situated to Plaintiff Gil (“Class Members”) are qualified individuals with disabilities under, and as defined by, the ADA.

15. Other plaintiffs are similarly situated to Plaintiff Gil (and therefore are Class Members) by virtue of the fact that they are visually impaired and require screen reader software (which is commercially available) in order to comprehend internet websites and acquire information in order to visit physical service/payment centers.

¹ A “screen reader” is a software application that enables people with severe visual impairments to use a computer. Screen readers work closely with the computer's Operating System (OS) to provide information about icons, menus, dialogue boxes, files, and folders.

16. Other individuals similarly situated are also unable to comprehend the Website offered by Defendant without the aid of assistive devices.

Public Health Trust of Miami-Dade County Florida

17. Defendant Public Health Trust of Miami-Dade County Florida (also referenced as Defendant) maintains its principal place of business in Miami-Dade County, State of Florida, and does business as "Jackson Health System."

18. Upon information and belief, at all times material hereto, Defendant (directly or through shell corporations), owns, operates, and/or manages the day-to-day affairs of the Jackson Health System medical facilities, which includes the hospitals: Holtz Children's Hospital, Jackson Memorial Hospital, Jackson South Community Hospital, Jackson Behavioral Health Hospital, Jackson Rehabilitation Hospital, and the Ryder Trauma Center.

19. Upon information and belief, Defendant is a recipient of federal Medicaid funds and is therefore subject to the requirements of Section 504 of the Rehabilitation Act.

20. In order to receive Medicaid funding, Defendant is required to develop policies and procedures that ensure that persons who are blind or visually impaired will receive adequate and effective communication.

21. Further, each time Defendant re-certifies for Medicaid funding, Defendant promises to provide and adhere to such policies.

FACTS

22. Plaintiff Gil's disability limits major life activities, and he requires assistive technologies, auxiliary aids and services for effective communication.

23. Plaintiff Gil frequently utilizes the internet. Due to the fact that he is legally blind, in order to effectively communicate and comprehend information available on the internet and access/comprehend websites, Plaintiff Gil uses commercially available screen reader software to interface with the various websites.

24. At all times material hereto, Defendant Public Health Trust of Miami-Dade County Florida was (and is) an organization owning and operating medical facilities under the name “Jackson Health System” consisting of hospitals, labs, various specialty medical clinics, medical offices, diagnostic centers, physical therapy and rehabilitation facilities, pharmacies, urgent care facilities and a trauma center. Each of Defendant’s medical facilities is open to the public as a provider of primary and urgent medical care. As the owner and operator of Jackson Health System medical facilities, Defendant is defined as a “Public Accommodation” within meaning of Title III because Defendant is a private entity, which owns and/or operates professional offices of a health care provider, hospitals, and pharmacies as defined in 42 U.S.C. §12181(7)(F) and 28 C.F.R. §36.104(2).

25. By virtue of being a health care provider open to the public, each of Defendant’s medical facilities are a place of public accommodation subject to the requirements of Title III of the ADA and its implementing regulation; 42 U.S.C. §12182, §12181(7)(F) and 28 C.F.R. Part 36, and are referenced throughout as “medical facilities,” “Place(s) of Public Accommodation,” or “Jackson Health System.”

26. The Defendant controls, maintains, and/or operates a collection of related web pages, including multimedia content, typically identified with a common domain

name, and published on at least one web server; namely the domain located at www.jacksonhealth.org (“Website”).

27. Defendant’s Website permits the public to: i) access their medical records on-line and also pay their medical bills on-line, ii) find a location of an appropriate medical facility, iii) request an appointment, iv) inquire about Medicare and Medicaid covered medical services, v) to inquire about clinic and hospital admissions, vi) inquire about medical professionals for specific ailments (“Find a Doctor” link on Website), vii) investigate ailments and conditions through the “Wellness Library,” and other information the Defendant seeks to communicate to the public related to Defendant’s medical facilities, and another function is to provide auxiliary aids and services for the disabled. The Website is an integral part of the provision of medical professional services by Defendant. By this nexus, the website is characterized as a Place of Public Accommodation pursuant to Title III, 42 U.S.C. §12181(7)(F) of the ADA², 28 C.F.R. §36.104(2), and Section 504 of the Rehabilitation Act.

28. The Defendant must not discriminate against individuals with disabilities and may not deny full and equal enjoyment of the services afforded to the public.

29. Plaintiff Gil is in need of medical services such as offered by and through Jackson Health System.

² “The Department of Justice has long taken the position that both State and local government Websites and the websites of private entities that are public accommodations are covered by the ADA. In other words, the websites of entities covered by both Title II and Title III of the statute are required by law to ensure that their sites are fully accessible to individuals with disabilities.” (See: Statement of Eve Hill Senior Counselor to the Assistant Attorney General for the Civil Rights Department of Justice - Before the Senate Committee on Health, Education, Labor & Pensions United States Senate – Concerning The Promise of Accessible Technology: Challenges and Opportunities – Presented on February 7, 2012.

30. Plaintiff Gil called Defendant to inquire about medical services Jackson Health System offered specific to Plaintiff Gil's medical needs. Defendant's representative failed to fully assist Plaintiff Gil and referred him to Defendant's Website.

31. During the month of December 2016, Plaintiff Gil attempted on several occasions to utilize Defendant's Website with the intention of making an appointment online through Defendant's Website, which would make it possible for Plaintiff Gil to visit Defendant's medical facilities physical locations.

32. Plaintiff Gil utilizes JAWS Screen Reader software (hereinafter referenced as "screen reader software"), which when utilized allows individuals who are visually impaired to communicate with internet website(s).

33. The Defendant's business contains access barriers that prevent the Plaintiff and other visually impaired individuals using keyboards and screen reading software from free and full use of Defendant's Website.

34. The Website also lacks prompting information and accommodations necessary to allow visually impaired individuals who use screen reader software to locate and accurately fill-out online forms; such as (in this instance) to pay for medical services, view/obtain copies of patient medical records, and to make an appointment.

35. Plaintiff Gil attempted to locate an *Accessibility Notice*³ which would direct him to a webpage with contact information for disabled individuals who have questions, concerns or who are having difficulties communicating with the Defendant.

³ **hyperlink**, or simply a link, is a reference to data that the reader can directly follow either by clicking, tapping, or hovering. A **hyperlink** points to a whole document or to a specific element within a document.

36. The fact that Plaintiff Gil could not communicate with Defendant left him excluded from accessing Defendant's physical locations, and further left him with the feeling of segregation, rejection, and isolation, as he was unable to participate in the same manner as provided to the public.

37. Plaintiff Gil continues to desire to patronize Defendant, but is unable to do so, as he is unable to effectively communicate with the Defendant in order to obtain access to Defendant's physical locations in order to participate in the services offered at Defendant's medical facilities.

38. Plaintiff Gil's inability to communicate with / comprehend Defendant's Website has impeded his ability to patronize Defendant's physical Places of Public Accommodation. As such, Plaintiff Gil (and Class Members) will suffer continuous and ongoing harm from the Defendant's omissions, policies, and practices set forth herein unless enjoined by this Court.

39. On information and belief, Defendant has not initiated a policy for Effective Communication (in compliance with the ADA) to insure full and equal use of their business by individuals with disabilities.

40. On information and belief, Defendant has not instituted an Effective Communications Committee to insure full and equal use of its Auxiliary Aids and Services by individuals with disabilities.

41. On information and belief, Defendant has not designated an employee as an Accessibility Coordinator to insure full and equal use of its Auxiliary Aids and Services by individuals with disabilities.

42. On information and belief, Defendant has not instituted an Auxiliary Aids and Services Accessibility User Testing Group to insure full and equal use of its Auxiliary Aids and Services by individuals with disabilities.

43. On information and belief, Defendant has not instituted an Automated Accessibility Testing program.

44. On information and belief, Defendant has not created and instituted a Specialized Customer Assistance line, nor service, or email contact mode for customer assistance for the visually impaired.

45. On information and belief, Defendant has not created a Website page for individuals with disabilities, nor displayed a link and information hotline, nor created an information portal explaining when and how the Defendant will have the www.jacksonhealth.org website, Applications, and Digital Assets accessible to the visually impaired community.

46. On information and belief, Defendant's Auxiliary Aids and Services do not meet the Web Content Accessibility Guidelines ("WCAG") 2.0 Basic Level of web accessibility⁴.

47. On information and belief, Defendant does not have an Axillary Aids and Services Accessibility Policy.

48. On information and belief, Defendant has not disclosed to the public any intended audits, changes, or lawsuits to correct the inaccessibility of its Axillary Aids and Services.

⁴ developed by the Web Accessibility Initiative (WAI) working group of the World Wide Web Consortium which defined how to make Web content more accessible to people with disabilities (W3C)

49. On information and belief, Defendant has not offered any other credible form of Auxiliary Aids and Services other than its Website.

50. Thus, the Defendant has not provided full and equal enjoyment of the services, facilities, privileges, advantages, and accommodations provided at its business.

51. Public Accommodations must insure that their *Places of Public Accommodation* provide **Effective Communication** for all members of the general public, including individuals with disabilities.

52. The broad mandate of the ADA to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of American civic and economic life. That mandate extends to internet websites, such as the www.jacksonhealth.org website.⁵

53. On information and belief, the Defendant is aware of its barriers to effective communication within its Auxiliary Aids and Services which prevent individuals with disabilities who are visually impaired from the means to comprehend information presented therein.

54. Such barriers result in discriminatory and unequal treatment of individuals with disabilities who are visually impaired.

55. Such barriers result in punishment and isolation of blind and low vision individuals from the rest of society.

⁵ Congress expressly stated when passing the ADA, “the types of accommodation and services provided to individuals with disabilities, under all of the titles of this bill, should keep pace with the rapidly changing technology of the times” and technological advances “may require public accommodations to provide auxiliary aids and services in the future which today would not be required.

56. According to the National Federation for the Blind⁶, there are over seven million Americans with visual disabilities, and there are over half a million people with visual disabilities living within the state of Florida.

57. Plaintiff Gil and Class Members have no plain, adequate, or complete remedy at law to redress the wrongs alleged hereinabove and this suit for declaratory judgment and injunctive relief is his only means to secure adequate redress from Defendant's unlawful and discriminatory practices.

58. Notice to Defendant is not required as a result of Defendant's failure to cure the violations. Enforcement of Plaintiffs' rights is right and just pursuant to 28 U.S.C. §§ 2201, 2202.

59. Plaintiff Gil (on his own behalf and on behalf of Class Members) has retained the civil rights law office of Scott R Dinin, P.A. and agreed to pay a reasonable fee for services in the prosecution of this cause, including costs and expenses incurred.

CLASS ACTION ALLEGATIONS

60. Plaintiff Juan Carlos Gil brings this case as a class action pursuant to Federal Rule of Civil Procedure Rule 23, in that the class is so numerous that joinder of all members is impracticable F.R.C.P. Rule 23(a)(1), there are questions of law and fact common to the class F.R.C.P. Rule 23(a)(2), the claims and defenses of the representative party is typical of those of the class F.R.C.P. Rule 23(a)(3), and Plaintiff Gil (as representative party) will fairly and adequately protect the interests of the class F.R.C.P. Rule 23(a)(4).

⁶ Statistics for 2012, see <http://www.NFB.org/blindness-statistics>

61. Pursuant to the F.R.C.P. Rule 23(a), (b)(1), (b)(2), and (b)(3), Plaintiff Gil brings this action as a class action on behalf of himself and all others similarly situated as members of the Class (“Class Members”), defined as follows:

All visually impaired individuals residing within Miami-Dade county, state of Florida, who were customers and/or patients of Jackson Health System medical facilities from March 9, 2016 to the present time⁷, all persons who went online to the website www.jacksonhealth.org and were denied means of effective communication with the Website in the course of their online activities to (among other things): locate medical facilities for specific medical needs, inquire about medical treatment plans, locate medical doctors, inquire about Medicare/Medicaid for payment of services and related to reimbursements, inquire about financial assistance, view medical records, pay medical bills, and inquire about medical service providers located at Jackson Health Systems medical facilities.

The Class of visually impaired individuals who are legally blind and therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(1)-(2), and who require screen reader software (which is commercially available) in order to and effectively communicate with public accommodations on the internet, such as Defendant’s Website.

62. The “Class Period” is March 9, 2016 to the present.

63. Excluded from the Class are Defendant, its employees, its legal representatives, assigns, and successors, any entity which owns/controls Defendant and its agents and assigns, and any entities in which Defendant has a controlling interest. Also excluded is the Judge to whom this matter has been assigned, and including the Judge’s immediate family.

64. Plaintiff Gil reserves the right to revise the Class definition based upon facts learned in the course of litigating this matter and through the discovery process.

65. According to the National Federation for the Blind⁸, there are 7,358,400

⁷ or who were acting on behalf of others, whom were customers of Jackson Health System medical facilities

⁸ Statistics for 2006, see <https://nfb.org/blindness-statistics>

Americans with visual disabilities living within the United States (which is 2.3% of the total population) and 469,300 such individuals with visual disabilities living within the state of Florida.

66. The 2015 Jackson Health System Community Health Needs Assessment Report⁹ provided the following statistical empirical data (which is the same data provided to the federal Department of Health and Human Services), from which the class of visually impaired individuals who utilize Jackson Health Systems medical facilities has been derived:

Type of Service:	Source	# Patients	Reduction for ER or % Medicare/Uninsured	Adjusted Patients
ER Visits	1	212,657	100.00%	0
Births	1	6,028	21.20%	4,750
Surgeries	1	19,757	21.20%	15,569
Outpatient Visits/clinics	1	1,106,196	21.20%	871,682
Inpatient Admissions	1	57,877	68.00%	18,521
Total Patients/year		1,402,515		910,522
Less: Reduction for non-English speaking patients	1		57.00%	518,997
Patients Likely to Use website prior admission:				391,524
Percentage visually impaired individuals USA				0.023
Extrapolated Visually Impaired Individuals				9,005
Percentage of Population Using Internet	2			0.870
Potential Class Members				7,834
source 1: http://www.jacksonhealth.org/library/reports/2015-chna-report.pdf				
source 2: PEW Report http://www.pewinternet.org/2014/02/27/about-this-report-4/				

67. Based on the Jackson Health System Community Health Needs Assessment Report empirical data and federal statistical data regarding visually impaired individuals, there are conservatively 7,000 Class Members where the class is defined as visually impaired individuals who utilize Jackson Health Systems medical facilities each year and who also utilize the internet and require screen reader software (which is commercially available) in order to and effectively utilize the internet to communicate

⁹ <http://www.jacksonhealth.org/library/reports/2015-chna-report.pdf>

The statistical data was compiled in partnership with the Health Counsel of South Florida to conduct a comprehensive Community Health Needs Assessment.

with public accommodations on the internet. Thus, the Class Members to be represented by Plaintiff Juan Carlos Gil consist of visually impaired individuals in the Florida. As such, the Class is so numerous that a joinder of each individual member is impracticable; F.R.C.P. Rule 23(a)(1).

68. Plaintiff Gil is representative of the Class due to the fact that he suffers from a qualified disability, in that he is legally blind (therefore visually impaired) and requires screen reader software interface in order to comprehend and effectively communicate with public accommodations on the internet, such as Defendant's Website.

69. Defendant has discriminated against Plaintiff Gil and Class Members by denying effective communication of its Website.

70. The questions of law and fact relating to the representative Plaintiff Gil are similar and common to the law and fact questions which would be raised by other members of the Class if they were individually named plaintiffs herein.

71. Similarly, the claims and defenses to be raised by and against the parties herein are typical of the claims or defenses which would be raised by the members of the Class if they were a party to this action.

72. Plaintiff Gil seeks injunctive relief for the implementation of the relief provide by the ADA which is the same relief which would be sought by each class member if he or she brought a claim individually. Accordingly, Plaintiff Juan Carlos Gil (as representative party for the Class) will fairly and adequately protect the interests of the Class Members.

73. The relief sought herein is for the benefit of all Class Members and consistent injunctive relief should be provided for each member of the Class.

74. Absent this matter being pursued as a Class Action, most of the Class Members would find the cost of litigating their claims to be prohibitive and would have no effective remedy.

75. Further, prosecution of this matter by individual members of the Class would only create a risk of inconsistent and varying adjudications and the establishment of incompatible standard by the Defendant and adjudication which may be dispositive of the interest of the other Class Members.

76. Defendant has failed to provide any mechanism within its website by which to adequately serve visually impaired individuals such as Plaintiff Gil and Class Members. The Defendant has been and is operating its Website in violation of Plaintiff Gil's (and Class Members') rights as protected by the ADA. Plaintiffs and Class Members are entitled to injunctive relief. 42 U.S.C. §12188.

77. There are many questions of law and fact regarding Effective Communication which are common to Plaintiff Gil and the Class Members and those questions predominate over any questions that may affect individual Class Members.

78. The questions of law and fact common to Class Members predominate over any questions affecting the individual Plaintiff Gil or individual Class Members. As a result, this class action is the optimal method for reaching a fair and efficient adjudication of the controversy raised herein.

79. Plaintiff Gil and Class Members have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for and injunctive relief is their only means to secure adequate redress from Defendant's unlawful and discriminatory practices.

80. Plaintiff Gil and Class Members will continue to suffer irreparable injury from Defendant's intentional acts, policies, and practices set forth herein unless enjoined by the court.

81. Notice to Defendant is not required as a result of its failure to cure the violations.

COUNT I – VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT

82. Plaintiff Juan Carlos Gil (on his own behalf and on behalf of Class Members) re-alleges and incorporates by reference the allegations set forth in ¶¶s 1-81 herein above.

Requirement for Effective Communication

83. It is irrefutable that the ADA and implementation of ADAAG requires that Public Accommodations (and Places of Public Accommodation) are required to ensure that communication is effective.

84. According to 28 C.F.R. §36.303(b)(1), auxiliary aids and services includes “voice, text, and video-based telecommunications products and systems.” Section 28 C.F.R. §36.303(b)(2) specifically states that screen reader software is an effective method of making visually delivered material available to individuals who are blind or have low vision.

85. Section 28 C.F.R. §36.303(c) specifically states that public accommodations must furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. “In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely

manner, and in such a way as to protect the privacy and independence of the individual with a disability,” 28 C.F.R. §36.303(c)(1)(ii).

86. Part 36 of Title 28 of the C.F.R. was designed and is implemented to effectuate subtitle A of Title III of the ADA, which prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation to be designed, constructed, and altered in compliance with the accessibility standards established by Part 36.

87. Defendant’s Website has not been designed to interface with the widely and readily available technologies that can be used to ensure effective communication.

Defendant’s Business is A Place of Public Accommodation

88. By virtue of Defendant’s business being medical facilities wherein Defendant is a health care provider (hospital, emergency center, operator of various clinics, provider of medical providers’ offices, and pharmacies) open to the public, each of Defendant’s medical facilities are a place of public accommodation subject to the requirements of Title III of the ADA as a pharmacy, insurance office, professional office of a health care provider, hospital; 42 U.S.C. §12181(7)(F).

89. As Defendant’s medical facilities are each a Place of Public Accommodation, the ADA prohibits any and all barriers which would limit access by the visually impaired.

90. When the visually impaired are prohibited from obtaining information on medical service providers for specific ailments at Defendant’s medical facilities, inquiring about Medicare and Medicaid covered medical services, accessing their medical records and bill payment on-line, inquiring about medical professionals for

specific ailments (“Find a Doctor” link on Website), and investigating ailments and conditions through the “Wellness Library,” those visually impaired individuals have been barred from accessing that medical care provider/medical facility.

91. The virtual barrier to access is just as real as a physical barrier to access, for without information as to acceptability of insurance, and ability to investigate and choose a medical provider, the visually impaired have no access to the goods and services of that medical facility, which is both a Public Accommodation and a Place of Public Accommodation.

The Website As A Place of Public Accommodation

92. The Department of Justice (“Department”) has long taken the position that both State and local government websites and the websites of private entities that are public accommodations are covered by the ADA. In other words, the websites of entities covered by both Title II and Title III of the statute are required by law to ensure that their sites are fully accessible to individuals with disabilities¹⁰.

93. The Court has held that, when services available on an internet website have a connection to a physical Place of Public Accommodation, that website falls within the ADA’s *Place of Public Accommodation* requirement; *Peoples v Discover Financial Services, Inc.*, 2009 WL 3030217, 2 (E.D. Pa. 2009).

94. Consistent with the text and legislative history of the ADA, the Department of Justice (Department) has long affirmed the application of Title III of the

¹⁰ See: Statement of Eve Hill Senior Counselor to the Assistant Attorney General for the Civil Rights Department of Justice - Before the Senate Committee on Health, Education, Labor & Pensions United States Senate – Concerning The Promise of Accessible Technology: Challenges and Opportunities – Presented on February 7, 2012.

ADA to websites of public accommodations¹¹; see Statement of Interest filed by the Department in *Juan Carlos Gill v Winn Dixie Stores, Inc.* No. 16-cv-23020 [DE #23].

95. Pursuant to 42 U.S.C. §12181(7)(F), Defendant is a *Public Accommodation* under the ADA because it owns and/or operates the website www.jacksonhealth.org, as defined within §12181(7)(F), and is subject to the ADA.

96. Additionally, www.jacksonhealth.org is a *Place of Public Accommodation* under pursuant to 42 U.S.C. §12181(7)(F). Further, the Website also serves as an integral part of Defendant's Jackson Health System primary and urgent care medical facilities, by providing the public information on the various locations of Jackson Health System medical facilities (hospitals, medical clinics, medical offices, labs, clinics, and pharmacies), and offers the public the ability to access their medical records on-line, pay their medical bills on-line, and the ability to make an appointment online.

97. In addition, Defendant's representatives within its physical medical clinic locations refer customers to Defendant's Website for additional information as the Website provides information regarding which health insurance carriers accept the medical providers at Defendant's facilities, which is an integral part of the public's needs with respect to Defendant's business.

¹¹ See generally Statement of Interest of the United States, *Nat'l Assoc. of the Deaf v. Netflix, Inc.*, 869 F. Supp. 2d 196 (D. Mass. 2012) (No. 3:11-cv-30168), available at www.ada.gov/briefs/netflix_SOI.pdf (discussing the Department's history of public pronouncements on the topic); see also Consent Decree, *Nat'l Fed. of the Blind and United States v. HRB Digital LLC and HRB Tax Group, Inc.*, No. 1:13-cv-10799-GAO (entered March 25, 2014), available at www.ada.gov/hrb-cd.htm (comprehensive decree governing the accessibility of H&R Block's website); *Settlement Agreement Between United States and Ahold U.S.A. Inc. and Peapod LLC* (11/17/14), available at https://www.ada.gov/peapod_sa.htm (agreement addressing accessibility of online grocery service).

98. By Defendant's representatives referring the public / visually impaired individuals to its Website, the Website has been rendered an integral part of Defendant's physical business locations. Thus, the failure of that Website to be accessible to visually impaired individuals impedes visually impaired individuals (such as the Plaintiff) from fully accessing the Defendant's physical business locations.

99. It is clear that the ADA applies to the Defendant's Website, as the Website **is a *Place of Public Accommodation*** for the following reasons: (1) the statutory construction of the ADA demonstrates its applicability is not limited to physical "brick and mortar" locations; (2) Congress' intent was for the ADA to be responsive to changes in technology; and (3) the Department of Justice has interpreted the ADA to apply to websites.

100. The ADA's legislative history makes it clear that Congress intended the ADA to adapt to changes in technology, such as the technology afforded through websites, the internet and e-commerce. Congress has stated that "the types of accommodation and services provided to individuals with disabilities . . . ***should keep pace with the rapidly changing technology of the times.***" *Nat'l Ass'n of the Deaf v. Netflix, Inc.*, 869 F. Supp. 2d at 200 (D. Mass. 2012)¹² *Netflix*, (citing H.R. Rep. 101-485(II), at 108 (1990)); *Nat'l Fedn. of the Blind v. Scribd Inc.*, 97 F. Supp. 3d, 574 (same) (D. Vt. 2015)¹³ (emphasis added). For example, Congress identified "information

¹² the plaintiff sued Netflix, Inc., ("Netflix") under Title III of the ADA based on Netflix's failure to provide equal access to its video streaming website "Watch Instantly" for deaf and hearing impaired individuals. There, the plaintiff alleged the website itself was a place of public accommodation because the website qualifies as a "place of exhibition and entertainment," "place of recreation," "sales or rental establishment," and "service establishment" as enumerated by the ADA. *Id.* at 200.

¹³ wherein the plaintiff filed a complaint alleging a violation of the ADA against Scribd, Inc., ("Scribd"), in that it provided a digital library operating reading subscription services on its websites and mobile app which were incompatible with reader software and denied blind persons' access to Scribd's services

exchange” (the principal function of a website) as an important area of concern where expanding technology would be subject to the ADA. *Scribd*, 97 F. Supp. 3d at 574 (citing H.R. Rep. 101-485(II), at 108 (1990)).

101. Under Title III of the ADA, 42 U.S.C. § 12182(b)(1)(A)(II), it is unlawful discrimination to deny individuals with disabilities or a class of individuals with disabilities an opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodation, which is equal to the opportunities afforded to other individuals.

102. Specifically, under Title III of the ADA, 42 U.S.C. § 12182(b)(2)(A)(II), unlawful discrimination includes, among other things, “a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages or accommodations.”

103. In addition, under Title III of the ADA, 42 U.S.C. § 12182(b)(2)(A)(III), unlawful discrimination also includes, among other things, “a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden.”

Barriers to Access

104. As a result of the inaccessibility of Defendant's physical places of business precipitated by barriers within its Website, visually impaired individuals are denied full and equal access to Defendant's physical locations as Defendant has made available to the public through the information provided on its Website, in derogation of 42 U.S.C. §12101 et. seq., and as prohibited by 42 U.S.C. §12182 et. seq.

105. Types of website programming errors include (but are not limited to) *Programming Error Types* ("PETs"), which are easily identifiable and correctable, and *Programing Alert Error Types* ("PATs"), which are prone to making the website inaccessible.

106. A sampling review of just part of the Defendant's Website revealed that the Website is not functional for users who are visually impaired. The Website contains several types of PETs (easily identifiable and correctable), which occur throughout the Website such as:

- 1) The language of the document is not identified,
- 2) Image alternative text is not present, and
- 3) A form control does not have a corresponding label.

107. Further, the Defendant's Website contains various types of PATs (prone to making the website inaccessible), which occur throughout the Website, such as:

- 1) Alternative text is likely insufficient or contains extraneous information,
- 2) An event handler is present that may not be accessible,
- 3) A heading level is skipped,
- 4) Flash content is present,
- 5) Adjacent links go to the same URL,
- 6) A link contains no text, and
- 7) Alternative text is likely insufficient or contains extraneous information.

108. More violations may be present on other pages of the Website, and they will be determined and proven through the discovery process.

109. Defendant's website contains one or more links to a PDF attachments, see the Website's "Wellness" section which has subsections with PDF attachments: TIP sheets and "Quit Smoking" sections. The PDF attachment's flat surface does not contain accessible coding. The PDF document does not include a text-based format (or equivalent). Defendant has not added 'alt'¹⁴ tags or long descriptions for the PDF within its website. The PDF attachment has not been provided in HTML or with a text equivalent, and is not a webpage¹⁵; therefore, it is inaccessible to the visually impaired.


110. Further, the Website does not offer include the universal symbol for the disabled¹⁶ which would permit disabled individuals to access the Website's accessibility information and accessibility protocols.

111. There are readily available, well established guidelines on the Internet for making websites accessible to the blind and visually impaired. Incorporating basic Auxiliary Aids and Services components to make the Website accessible would neither fundamentally alter the nature of Defendant's business nor would it result in an undue burden to the Defendant.

112. The Defendant has violated the ADA (and continues to violate the ADA) by creating barriers for individuals with disabilities who are visually impaired and who require the assistance of interface with screen reader software to comprehend and access Defendant's Auxiliary Aids and Services. These violations within Defendant's Website

¹⁴ 'alt' refers to 'alternative text'

¹⁵ (which is an internet document usually in HTML)

¹⁶  , or HTML "Accessibility" link for those individuals who are visually impaired

are ongoing.

Violations of the ADA

113. As a result of the inadequate development and administration of Defendant's Website, Plaintiff Gil and Class Members are entitled to injunctive relief pursuant to 42 U.S.C. §12133 and 28 C.F.R. §36.303 to remedy the discrimination.

114. Pursuant to 42 U.S.C. §12188, this Court is vested with the authority to grant Plaintiff injunctive relief; including an order to:

- a) Require Defendant to take the necessary steps to make the Website readily accessible to and usable by visually impaired users, and during that time period prior to the www.jacksonhealth.org website's being readily accessible, to provide an alternative method for individuals with visual impairments to access the information available on the Website until such time that the requisite modifications are made, and
- b) Require Defendant to provide the appropriate auxiliary aids such that individuals with visual impairments will be able to effectively communicate with the Website for purposes of the public viewing and locating Defendant's physical locations, obtaining information on health care providers for specific ailments, accessing medical records on-line, and paying medical bills on-line. During that time period prior to the Website being designed to permit individuals with visual impairments to effectively communicate, requiring Defendant to provide an alternative method for individuals with visual impairments to effectively communicate with Defendant through Defendant's Website and through Defendant's physical medical facility locations.

115. Plaintiff Gil (on his own behalf and on behalf of Class Members) has been obligated to retain the undersigned counsel for the filing and prosecution of this action. Plaintiff is entitled to have reasonable attorneys' fees, costs and expenses paid by the Defendant.

COUNT II – VIOLATION OF SECTION 504 OF THE REHABILITATION ACT

116. Plaintiff Juan Carlos Gil (on his own behalf and on behalf of Class Members) re-alleges and incorporates by reference the allegations set forth in ¶¶s 1-115 above.

117. Plaintiff Gil is legally blind, which substantially limit him in his major life activities, including his ability to effectively communicate in the sighted world. Therefore, Plaintiff Gil is a qualified individual with a disability under Section 504 of the Rehabilitation Act. Likewise, Class Members are similarly situated.

118. Defendant is a recipient of federal financial assistance by virtue of receipt of Medicaid payments, as well as other federal financial assistance.

119. Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, requires that no qualified individual with a disability, on the basis of that disability, be excluded from participation in or be denied the benefit of the services, programs, activities, or to otherwise be discriminated against.

120. Defendant was aware that its Website does not interface with screen reader software used by the Visually Impaired.

121. By virtue of the fact that Defendant operates a diverse medical facility, Defendant knew or should have known that blind and visually impaired individuals are

very likely to utilize medical services Defendant provides through Defendant's medical facilities.

122. Specifically, as related to violations of Section 504, blind and visually impaired individuals need to comprehend the covered Medicare and Medicaid medical services which Defendant provides. Yet, Defendant's Website is not equipped to provide interface for blind and visually impaired individuals by being programed to interface with screen reader software. Thus, Defendant has failed to provide Plaintiff Gil (and Class Members) *any* appropriate and effective auxiliary aids and services for use with its Website.

123. Because of the failure to provide effective communication, Plaintiff Gil (and Class Members) have an incomplete understanding of the medical services provided, billing, financing, and appointments at Defendant's places of business.

124. The failure is so egregious that individuals who are visually impaired are (among other things) unable to review medical providers and medical services offered by Defendant, make appointments for medical matters, review medical records, and review and pay for medical services. Such failure has impeded individuals who are visually impaired from independently accessing (access to) Defendant's medical facilities.

125. Accordingly, Defendant has discriminated against Plaintiff Gil and Class Members in the unequal provision for use of its facilities and as a result, Plaintiff Gil and Class Members have experienced exclusion, segregation, mental anguish, and humiliation in violation of their civil rights.

126. As such, Defendant has failed to provide services to Plaintiff Gil and Class Members as Defendant would have provided a similarly situated sighted patient.

127. Defendant's policies, practices and procedures, particularly the actions and omissions described above, violated Plaintiff Gil and Class Members' rights under Section 504 by discriminating on the basis of a disability.

128. Defendant has discriminated against Plaintiff Gil and Class Members by failing to provide auxiliary aids and services necessary to ensure effective communication with individuals who are blind or visually impaired, in violation of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794.

129. Defendant's actions were intentional, with reckless disregard, and with deliberate indifference to the rights and needs of Plaintiff Gil and Class Members.

130. As a result of Defendant's actions, Plaintiff Gil and Class Members have been damaged and have suffered injuries and experienced emotional suffering, pain and anguish.

131. Plaintiff Gil and Class Members will continue to face discrimination, as Defendant's medical facilities are located in close proximity to Plaintiff Gil and Class Members such that Plaintiff Gil and Class Members continue to desire to utilize medical services available at Defendant's facilities.

132. For all of the foregoing, Plaintiff Gil and Class Members has no adequate remedy at law.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff Juan Carlos Gil and Class Members hereby demand judgment against Defendant Public Health Trust of Miami-Dade County Florida and request the following injunctive and declaratory relief:

- a) The Court to certify this matter as a Class action on behalf of the Class defined above, appoint Plaintiff Juan Carlos Gil as Class representative, and appoint the undersigned as Class counsel;
- b) The Court issue a declaratory judgment that Defendant has violated the Plaintiff Gil's and Class Members rights as guaranteed by the ADA and Section 504 of the Rehabilitation' Act;
- c) The Court enter an Order requiring Defendant to update its www.jacksonhealth.org website to remove barriers in order that individuals with visual disabilities can access the Website and effectively communicate with the Website to the full extent required by Title III of the ADA and Section 504 of the Rehabilitation Act;
- d) The Court enter an Order requiring Defendant to clearly display the universal disabled logo¹⁷ within its Website. Such a clear display of the disabled logo is to insure that individuals who are disabled are aware of the availability of the accessible features of the www.jacksonhealth.org website;
- e) The Court enter an Order compelling Defendant to contract with an independent ADA expert/consultant for the purposes of that ADA expert/consultant review Defendant's policies, practices and procedures for five years commencing from the date of the Court's Order to insure that Defendant is in compliance with the ADA and Section 504;



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- f) The Court enter an Order requiring Defendant to provide ongoing support for web accessibility by implementing a website accessibility coordinator, a website application accessibility policy, and providing for website accessibility feedback to insure compliance thereto.
- g) The Court enter an Order directing Defendant to create policies, practices and procedures toward persons with visual disabilities, for such reasonable time so as to allow Defendant to undertake and complete corrective procedures to its Website;
- h) The Court award damages in an amount to be determined at trial;
- i) The Court to award Plaintiff Gil and Class Members reasonable litigation expenses and attorneys' fees; and
- j) That the Court award such other and further relief as it deems necessary, just and proper.

Dated this 9th day of March, 2017.

Respectfully submitted,

s/Scott Dinin
Scott R. Dinin, Esq.
Scott R. Dinin, P.A.
4200 NW 7th Avenue
Miami, Florida 33127
Tel: (786) 431-1333
inbox@dininlaw.com
Counsel for Plaintiff

CIVIL COVER SHEET

JS 44 (Rev. 07/16) FLSD Revised 07/01/2016

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS Juan Carlos Gil, On His Own Behalf and On Behalf of All Other Individuals Similarly Situated

(b) County of Residence of First Listed Plaintiff **Miami-Dade**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Scott R. Dinin, P.A., Scott R. Dinin, P.A. 4200 NW 7 Avenue, Miami, Florida 33127; Tel: 786-431-1333; Email: inbox@dininlaw.com

DEFENDANTS Public Health Trust of Miami-Dade County
Florida d/b/a Jackson Health System and www.jacksonhealth.org

County of Residence of First Listed Defendant **Miami-Dade**

(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|---|--|--|---|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 375 False Claims Act |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | | | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | | | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | | | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | | | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | | | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | | | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 360 Other Personal Injury | | | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | | | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 195 Contract Product Liability | | | | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 196 Franchise | | | | <input type="checkbox"/> 890 Other Statutory Actions |
| | | | | <input type="checkbox"/> 891 Agricultural Acts |
| | | | | <input type="checkbox"/> 893 Environmental Matters |
| | | | | <input type="checkbox"/> 895 Freedom of Information Act |
| | | | | <input type="checkbox"/> 896 Arbitration |
| | | | | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| | | | | <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Re-filed (See VI below)
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation Transfer
- ☐ 7 Appeal to District Judge from Magistrate Judgment
- ☐ 8 Multidistrict Litigation - Direct File
- ☐ 9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case ☐ YES ☒ NO

JUDGE:

b) Related Cases ☐ YES ☒ NO

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sec 12181-12189; 28 C.F.R. Pt 36, Sec 504; 34 C.F.R. Pt 104 - Lack of auxiliary aids & services; lack of Effective Communication & Website barriers for blind persons

LENGTH OF TRIAL via 4 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE 3/9/17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT #

AMOUNT

IFP

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

JUAN CARLOS GIL, On His Own Behalf and)	
On Behalf of All Other Individuals Similarly)	
Situated)	
<i>Plaintiffs,</i>)	Civil Action No.
v.)	
)	
PUBLIC HEALTH TRUST OF)	
MIAMI-DADE COUNTY FLORIDA,)	
d/b/a JACKSON HEALTH SYSTEM)	
AND www.jacksonhealth.org ,)	
<i>Defendant.</i>)	
_____ /)	
)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY FLORIDA
c/o President and Chief Executive of the Trust, Mr. Carlos A. Migoya
1611 NW 12th Avenue, Room 108
MIAMI, FLORIDA 33136

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Scott R. Dinin, Esq.
Law Offices of Scott R. Dinin, P.A.
4200 NW 7th Avenue
Miami, Florida 33127
Tel: (786) 431-1333
E-mail: inbox@dininlaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Jackson Health System Facing ADA Compliance Lawsuit](#)
