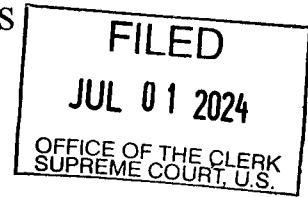


24 - 5181

IN THE SUPREME COURT OF THE UNITED STATES



Pro Se Dale Williamson,

Petitioner,

Vs.

University of Louisville

Respondent,

On Petition for a Writ of Certiorari to

The United States Court of Appeals

for the Sixth Circuit

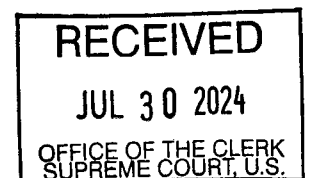
PETITION FOR A WRIT CERTIORARI

Pro Se Dale Williamson

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B. Dose ADA/ADAAA Title II gives Mr. Williamson primary consideration of Mr. Williamson's disability accommodations, which would include wording of Mr. Williamson's disability accommodation on legal document, known as UofL's DRC FNF barring UofL from merely altering wording?

i. Must UofL update UofL's anti discrimination to include

2. That “Compatibility issue with UofL provided disability auxiliary aid and online eBooks” is a disability discrimination failure to provide not an IT issue,

iii. Must UofL registrar's office waive tuition fees for 2018?

ii

1 rebut/dispute University Of Louisville's allegation against Mr. Williamson of acting
2 in lesser than Good Faith in remedying favorable ruling?

3

4

LIST OF PARTIES

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1 IN THE

2 SUPREME COURT OF THE UNITED STATES

3 **IV. PETITION FOR WRIT OF CERTIORARI**

4 Petitioner Dale Williamson a resident of Jeffersonville, Indiana respectfully prays that a writ of
5 certiorari issue to review the judgment below.

6 **V. Opinion's Below**

7 No. 23-5812 United States Court of Appeals 6th Circuit April 04, 2023 unpublished, No. 3:20-cv-
8 266-DJH-RSE United States District Court Western District of Kentucky Louisville Division
9 August 09, 2022 unpublished

10 **VI. Jurisdiction**

11 The Sixth Circuit Court of Appeals Judgment on April 04, 2024 having timely filed this petition
12 for writ of certiorari within 90 day Mr. Williamson invokes this Court's jurisdiction

13 **VII. Constitutional Involved**

14 Article I Sec. 8 To constitute Tribunals inferior to the supreme Court

15 Article I Sec. 8 To make all Laws which shall be necessary and proper for carrying into
16 Execution the foregoing Powers, and all other Powers vested by this Constitution in the
17 Government of the United States, or in any Department or Officer thereof.

18 The 7th Amendment gives the right for any claimant to take a matter to court and trial by
19 jury when the value in question exceeds \$20

1 The 14th Amendment is the assertion that all those born or naturalized within the United
2 States are citizens of the United States. Furthermore, the promise that no state will enforce any
3 law that will damage these privileges in any way. This is also known as the Equal Protection
4 Clause and was ratified on July 9, 1868

5 United States Congress created a federal protected three party contract with 1973
6 Rehabilitation Act that include State agency, Vocation Rehabilitation Service Client and
7 Vocation Rehabilitation Service Occupational Rehabilitation Training Program Service Provider.

8 In 1990 United States Congress using the power congress has under spending power
9 created Americans Disability Act

10 In 2008 United States Congress using the power congress has under spending power
11 created Americans Disability Act Amend Act

12 29 U.S.C. § 794a(a)(2)• The remedies, procedures, and rights set forth in Title VI of the
13 Civil Rights Act of 1964 . . . shall be available to any person aggrieved by any act or failure to
14 act by any recipient of Federal assistance or Federal provider of such assistance under section
15 504 of this Act.

16 28 C.F.R. § 35.160(b)• (1) A public entity shall furnish appropriate auxiliary aids and
17 services where necessary to afford individuals with disabilities, including applicants,
18 participants, companions, and members of the public, an equal opportunity to participate in, and
19 enjoy the benefits of, a service, program, or activity of a public entity. (2) The type of auxiliary
20 aid or service necessary to ensure effective communication will vary in accordance with the
21 method of communication used by the individual; the nature, length, and complexity of the
22 communication involved; and the context in which the communication is taking place. In

determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities.

34 C.F.R. § 104.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Assistant Secretary, where appropriate, may require either or both recipients to take remedial action.

(3) The Assistant Secretary may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program or activity but who were participants in the program or activity when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program or activity had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Assistant Secretary upon request:

(i) A list of the interested persons consulted,

(ii) A description of areas examined and any problems identified, and

(iii) A description of any modifications made and of any remedial steps taken.

34 C.F.R. § 104.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

34 C.F.R. § 104.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

1 (v) Aid or perpetuate discrimination against a qualified handicapped person by providing
2 significant assistance to an agency, organization, or person that discriminates on the basis of
3 handicap in providing any aid, benefit, or service to beneficiaries of the recipients program or
4 activity;

5 (vi) Deny a qualified handicapped person the opportunity to participate as a member of planning
6 or advisory boards; or

7 (vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege,
8 advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

9 (2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required
10 to produce the identical result or level of achievement for handicapped and non handicapped
11 persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain
12 the same benefit, or to reach the same level of achievement, in the most integrated setting
13 appropriate to the person's needs.

14 (3) Despite the existence of separate or different aid, benefits, or services provided in accordance
15 with this part, a recipient may not deny a qualified handicapped person the opportunity to
16 participate in such aid, benefits, or services that are not separate or different.

17 (4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or
18 methods of administration (i) that have the effect of subjecting qualified handicapped persons to
19 discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or
20 substantially impairing accomplishment of the objectives of the recipient's program or activity
21 with respect to handicapped persons, or (iii) that perpetuate the discrimination of another

1 recipient if both recipients are subject to common administrative control or are agencies of the
2 same State.

3 (5) In determining the site or location of a facility, an applicant for assistance or a recipient may
4 not make selections (i) that have the effect of excluding handicapped persons from, denying
5 them the benefits of, or otherwise subjecting them to discrimination under any program or
6 activity that receives Federal financial assistance or (ii) that have the purpose or effect of
7 defeating or substantially impairing the accomplishment of the objectives of the program or
8 activity with respect to handicapped persons.

9 (6) As used in this section, the aid, benefit, or service provided under a program or activity
10 receiving Federal financial assistance includes any aid, benefit, or service provided in or through
11 a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in
12 whole or in part, with Federal financial assistance.

13 (c) *Aid, benefits or services limited by Federal law.* The exclusion of nonhandicapped persons
14 from aid, benefits, or services limited by Federal statute or executive order to handicapped
15 persons or the exclusion of a specific class of handicapped persons from aid, benefits, or services
16 limited by Federal statute or executive order to a different class of handicapped persons is not
17 prohibited by this part.

18 34 C.F.R. § 104.43 Treatment of students; general.

19 (a) No qualified handicapped student shall, on the basis of handicap, be excluded from
20 participation in, be denied the benefits of, or otherwise be subjected to discrimination under any
21 academic, research, occupational training, housing, health insurance, counseling, financial aid,

1 physical education, athletics, recreation, transportation, other extracurricular, or other
2 postsecondary education aid, benefits, or services to which this subpart applies.

3 (b) A recipient to which this subpart applies that considers participation by students in education
4 programs or activities not operated wholly by the recipient as part of, or equivalent to, and
5 education program or activity operated by the recipient shall assure itself that the other education
6 program or activity, as a whole, provides an equal opportunity for the participation of qualified
7 handicapped persons.

8 (c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any
9 qualified handicapped student from any course, course of study, or other part of its education
10 program or activity.

11 (d) A recipient to which this subpart applies shall operate its program or activity in the most
12 integrated setting appropriate.

13 34 C.F.R. § 104.44 Academic adjustments.

14 (a) *Academic requirements.* A recipient to which this subpart applies shall make such
15 modifications to its academic requirements as are necessary to ensure that such requirements do
16 not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified
17 handicapped applicant or student. Academic requirements that the recipient can demonstrate are
18 essential to the instruction being pursued by such student or to any directly related licensing
19 requirement will not be regarded as discriminatory within the meaning of this section.
20 Modifications may include changes in the length of time permitted for the completion of degree
21 requirements, substitution of specific courses required for the completion of degree
22 requirements, and adaptation of the manner in which specific courses are conducted.

1 (b) *Other rules.* A recipient to which this subpart applies may not impose upon handicapped
2 students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in
3 campus buildings, that have the effect of limiting the participation of handicapped students in the
4 recipient's education program or activity.

5 (c) *Course examinations.* In its course examinations or other procedures for evaluating students'
6 academic achievement, a recipient to which this subpart applies shall provide such methods for
7 evaluating the achievement of students who have a handicap that impairs sensory, manual, or
8 speaking skills as will best ensure that the results of the evaluation represents the student's
9 achievement in the course, rather than reflecting the student's impaired sensory, manual, or
10 speaking skills (except where such skills are the factors that the test purports to measure).

11 (d) *Auxiliary aids.* (1) A recipient to which this subpart applies shall take such steps as are
12 necessary to ensure that no handicapped student is denied the benefits of, excluded from
13 participation in, or otherwise subjected to discrimination because of the absence of educational
14 auxiliary aids for students with impaired sensory, manual, or speaking skills.

15 (2) Auxiliary aids may include taped texts, interpreters or other effective methods of making
16 orally delivered materials available to students with hearing impairments, readers in libraries for
17 students with visual impairments, classroom equipment adapted for use by students with manual
18 impairments, and other similar services and actions. Recipients need not provide attendants,
19 individually prescribed devices, readers for personal use or study, or other devices or services of
20 a personal nature.

21

VIII. Statement of the Case

In 2015 Indiana Vocational Rehabilitation Services (IVRS) determined Mr. Williamson Was A qualified indivusal creating Vocational Rehabilitation Services (VRS) Occupational Rehabilitation Training Program (ORTP) Post Secondary Education (PSE) disability documentation listing Mr. Williamson's disabilities including necessary Reasonable Disability Academic Adjustments (RDAA).

In November 2017 Mr. Williamson notified University of Louisville (UofL) of Mr. Williamson's IVRS Client Statues and IVRS of Mr. Williamson's contract with UofL providing IVRS with UofL's finical information for cost of tuition fees.

In November 2017 Mr. Williamson provided UofL's Disability Resource Center (DRC) with IVRS's ORTP PES VRS Disability Accommodations RDAA including Academic Requirements (AR): Modifications Academic Requirements (MAR) Extended time for submission of writing assignments of 1.5x time and Auxiliary Aids (AA) text to speech program compatible with required reading material or instant access to Alternative Print Material Format (APMF) copy of required reading material.

In 2017 Mr. Williamson was able to take course at UofL with UofL's Professor providing Mr. Williamson with all necessary VRS DA RAA.

In 2018 UofL's DRC created legal document know as UofL's DRC letter Faculty Notification Form (FNF).

In Spring 2018 Mr. Williamson was able to take courses at UofL with UofL's Professor providing Mr. Williamson with all necessary VRS DA RAA.

1 In May 2018, two months before classes began, Nicholas Wright, the DRC Coordinator,
2 emailed Professor Melissa Campbell, who taught a computer course in which Williamson was
3 enrolled, informing her of Williamsons accommodations and that Williamson was expected to
4 contact her to discuss them. In June 2018, Williamson emailed Professor Campbell, asking if
5 Wright had emailed her about his accommodations and informing her that he would likely . . .
6 need extra time to complete both tests and assignments.

7 In Mr. Williamson's email dated July 22, 2018, he stated, "I am writing you to inform
8 you i [sic] am having problems with my auto-reader for all resources required for class (Pearson
9 e text) [sic]. I will be getting a hold of the disability center tomorrow tho [sic] see if they know
10 of a solution. I will continue to work on assignments, however I will not be able to have journal
11 done by deadline and I am requesting extra time on journal assignment.

12 Mr. Williamson also followed up with email clearly informing Dr. Campbell these are
13 disability accommodation and cannot be denied.

14 On July 22, 2018 right after Dr. Campbell denied extended time Mr. Williamson started
15 UofL disability discrimination process emailing UofL's DRC of compatibility issues with
16 disability auxiliary aid and eBook and being denied extended time for submission of writing
17 assignments Mr. Williamson started UofL Administrative Internal Grievance (AIG) Disability
18 Discrimination Complaint (DDC) process.

19 In August 2018, Williamson filed first AIG DDC with the University, arguing that
20 Professor Campbell's failure to provide VRS RDAA violated the ADA/ ADAAA title II and
21 Section 504,

1 In August 2018 Mr. Williamson attached a demand/ settlement offer letter to complaint
2 requesting,

3 Settlement remedy offer:

41. Investigation into violation and find solution to prevent violations from happening again.

52. Make change to policy to clarification students disability rights and notify all instructor on how
6 to handle accommodations.

73. Remove of CSI 250 from transcripts and all grant, scholarship and third-party payor be refund in
8 full at no cost to me, because of refund money already been spent.

94. Cost of full tuition for all my future undergraduate class to be coved by U of L, as long as I
10 maintain a 2.5 GPA and obey U of L code of conduct.

115. \$4,000 to be used for research project at U of L working sustainable agriculture with Dr. Mog or
12 a different person that Dr. Mog recommends.

13 In September 2018 Mr. Williamson withdrew from courses following UofL's Non disable
14 student standard withdraw refund policies to continue pursuing AIG DDC.

15 In October 2018 UofL denied dismissing Mr. Williamson's first AIG DDC (APPENDIX E)
16 auguring Mr. Williamson was denied a favorable ruling base on wording of DRC FNF allow for
17 such actions

18 ["Because the available evidence, when viewed in its entirety, does not establish by a
19 preponderance of the evidence that the Instructor refused to consider an extension in
20 accordance with the terms of the student's DRC letter, I find the evidence insufficient to
21 establish that the Instructor's conduct in response to the student's request for an extension
22 was inconsistent with his DRC letter or otherwise denied him the opportunity to participate in

1 and benefit from the course, and therefore, insufficient to establish that the Instructor acted
2 inconsistently with UofL policy or the university's obligations to accommodate the student's
3 disability in accordance with the ADA or Section 504. Accordingly, the grievance is closed
4 effective the date of this letter." Exhibit E Page 6

5 In October 2018, Mr. Williamson filed an appeal using inadmissible evidence that does not
6 meet federal or state rules for good evidence.

7 October 2018, Mr. Williamson filed second amended complaint to challenge UofL's key
8 evidence UofL's DRC FNF as being defective which was part of cause of violations.

9 On November 19, 2018 ADA/Title II coordinator contacted registrar office notifying
10 registrar office of Mr. Williamson's favorable ruling ordering remedies.

11 On November 25, 2018 Mr. Williamson received a favorable amended ruling that UofL's
12 DRC was cause of the non compliance violation with defective DRC letter ruling the DRC letter
13 is defective at face value while denying Mr. Williamson's appeal on using bad evidence by state
14 and federal standards.

15 MEMORANDUM OF DETERMINATION In re the student's request for reconsideration of the
16 determination in the first ADA grievance (APPENDIX D)

17 ["The student raises a number of objections to the determination in his reconsideration
18 request. First, he objects generally to the Coordinator's consideration of "inadmissible"
19 and "bias [sic]" evidence, without identifying what evidence he refers to (and in any
20 event, state and federal rules of evidence that apply in litigation do not apply in the

context of an internal administrative investigation). This objection does not alter the original determination”, APPENDIX D Page 1

“The merits of Grievance No. 2, concerning the contents of the student’s DRC letter itself, will be addressed in a separate and concurrently issued memorandum.”

APPENDIX D Page 2

MEMORANDUM OF DETERMINATION In re the second ADA grievance (APPENDIX C)

“For those reasons, and in light of recent determinations from the U.S. Department of Education’s Office for Civil Rights (OCR), the facts presented support the conclusion that delegating an assignment by assignment process for students and faculty to negotiate the appropriateness of an extension without the DRC’s involvement is inconsistent with the university’s obligation to ensure that students’ needs for accommodations are properly accommodated. See, e.g., UMass-Boston, OCR No. 01-16-2120 (2018); Irvine Valley Coll., OCR No. 09-17-2090 (2017); Laney College, OCR No. 09-12-2317 (2014); Surry Comm. Coll., OCR No. 11-16-2165 (date redacted)” APPENDIX C Page 3

“The specific remedy or remedies to be afforded the student as a result of this determination, to the extent those remedies have financial or academic implications for the student”. APPENDIX C Page 3

In December 2018 UofL request Mr. Williamson to argue remedies Mr. Williamson is requesting with UofL’s Human Resource (HR).

On January 07, 2019 UofL rejected Mr. Williamson settlement offer and never provided a counter offer containing a clear remedy action plan.

1 On January 07, 2019 UofL altered wording from what was mutually agreed upon
2 between Mr. Williamson and UofL's ADA/Title II Coordinator Brain Bigelow, UofL add blocks
3 after favorable ruling and refused to remove them, UofL refused to update UofL Anti
4 discrimination policies to included Extended time for submission of writing assignments 1.5x
5 times and UofL refused to correct grades.

6 In April 2019 UofL claim the case was dismissed claiming no remedy available ending
7 remedy process rejecting all of Mr. Williamson's settlement offers.

8 Administrative Review of Discrimination and/or Harassment Complaint Mr. Dale
9 Williamson against Dr. Melissa Campbell. (APPENDIX F)

10 ["The reviewers also acknowledge that one may reasonably believe that a technical issue
11 borne out of the use of an approved accommodation software would justify the
12 consideration for extended time for a writing assignment" "in her mind, Mr.
13 Williamson's issue with his auto-reader was a software or hardware issue" and "Mr.
14 Williamson's DRC letter did not specify technical issues were a necessary
15 accommodation", APPENDIX F Page 9

16 "During the interview with the reviewers Dr. Campbell stated, "My understanding, he
17 was asking for an extension, not an accommodation" and "we didn't have an agreement
18 he could have different deadlines from anyone else in the class." APPENDIX F Page 4

19 Dr. Campbell also explained "[Mr. Williamson] could have as much time on the
20 assignments as he needed but he wouldn't get a deadline extension. He could work ten
21 hours every day, it's still due on Sunday at midnight, just like everyone else."

22 APPENDIX F Page 4-5

1 Dr. Campbell also explained, "In my mind, a deadline extension and accommodation are
2 two different things. What he asked me for is a deadline extension." Dr. Campbell stated
3 numerous times Mr. Williamson did not ask for an accommodation but, rather, an
4 extension". APPENDIX F Page 5

5 "Although Dr. Campbell did not see Mr. Williamson's request for extended time as an
6 accommodation, she honored the spirit of the DRC letter by considering an extension of
7 time with the caveat that Mr. Williamson contact the software vendor first". APPENDIX
8 F Page 9

9 In order to determine if there has been a violation of the University of Louisville's
10 Discriminatory Harassment Policy, PER 1.10, the Employee Relations and Compliance
11 Office shall make a factual determination as to whether the evidence supports the
12 allegations of the complaint. The standard of proof used is a preponderance of evidence
13 (i.e. – the information received demonstrates that it is "more likely than not" that the
14 conduct occurred). APPENDIX F Page 2

15 IN May 2019 Mr. Williamson requested the United States Department of Education
16 (DOE) to assist with mediating a remedy settlement with UofL, which DOE declined request.

17 In August 2019 Mr. Williamson obtain counsel to seek remedy.

18 In March 2020 Mr. Williamson counsel file complaint in Jefferson Circuit Court, case
19 number 20-CI-002032.

20 04/13/2020 1 NOTICE OF REMOVAL by University of Louisville from Jefferson
21 Circuit Court, case number 20-CI-002032.

1 04/13/2020 4 University of Louisville files MOTION TO DISMISS.

2 05/04/2020 9 Mr. Williamson counsel file MOTION to Amend/Correct by Plaintiff
3 Dale Williamson.

4 01/29/2021 13 ORDER Signed by Judge David J. Hale on 1/28/2021: The 9 motion
5 for leave to amend is GRANTED The 4 motion to dismiss is DENIED without prejudice as
6 moot.

7 01/29/2021 14 Mr. Williamson's counsel file AMENDED COMPLAINT against
8 University of Louisville, filed by Dale Williamson.

9 02/12/2021 16 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM *to*
10 *Amended Complaint.*

11 05/27/2021 22 ORDER Signed by Judge David J. Hale on 5/27/2021: U of
12 L's 16 motion to dismiss is DENIED as to Count I and GRANTED as to Count II. Count II of
13 Williamson's amended complaint is DISMISSED.

14 06/10/2021 24 ANSWER to 14 Amended Complaint by University of Louisville,
15 which contain a cross motion Affirmative Defense Motion to Dismiss requesting legal fees.

16 12/28/2021 35 MOTION for W. Edward Skees to Withdraw as Attorney.

17 01/06/2022 36 ORDER Signed by Magistrate Judge Regina S. Edwards on 1/6/2022
18 granting 35 Motion to Withdraw as Attorney. Attorney W. Edward Skees shall have no further
19 responsibilities in this case after the date of this Order.

1 03/01/2022 38 *EX PARTE* MOTION by Plaintiff Dale Williamson request for
2 disability accommodations, which was denied.

3 03/10/2022 40 MOTION for Summary Judgment Dismissing University of
4 Louisville's Cross Complaint with Prejudice by Plaintiff Dale Williamson.

5 03/11/2022 41 Plaintiff's MOTION for Default Summary Judgment Count 1 Disability
6 Discrimination by Plaintiff Dale Williamson.

7 03/14/2022 42 MOTION for Emergency Hearing on Plaintiff's Motions by Plaintiff
8 Dale Williamson.

9 05/02/2022 53 ORDER Signed by Magistrate Judge Regina S. Edwards on 4/29/2022:
10 Plaintiff Dale Williamson's 42 Motion for Hearing is DENIED. Williamson's.

11 06/02/2022 56 MOTION for Hearing re 40 MOTION for Summary Judgment
12 Dismissing University of Louisville's Cross Complaint with Prejudice

13 08/24/2022 64 MOTION to Sanctions UofL, MOTION to Compel Discovery to
14 Answer Interrogatory Questions, Provide Documents Requested and Provide Individual for
15 Depositions by Plaintiff Dale Williamson. (DLW) (Entered: 08/26/2022).

16 08/31/2022 66 SECOND MOTION for Disability Accommodations by Plaintiff Dale
17 Williamson.

18 09/16/2022 73 MOTION for Emergency Hearing by Plaintiff Dale Williamson.

19 10/14/2022 78 MOTION for Summary Judgment by Defendant University of
20 Louisville.

02/16/2023 81 MEMORANDUM OPINION AND ORDER Signed by Magistrate Judge Regina S. Edwards on 2/15/2023: Motion for Disability Accommodations,, 73 Motion for an Emergency Hearing, are DENIED Plaintiff's 64 Motion for Sanctions is GRANTED in part and DENIED in part to the extent outlined.

03/01/2023. 82 MEMORANDUM AND ORDER Signed by Judge David J. Hale on 3/1/2023: Williamson's 63 motion to amend is DENIED. Williamson's 40 motion for summary judgment is DENIED.

03/25/2023 86 MOTION for Summary Judgment on Count II Disability Discrimination by Plaintiff Dale Williamson.

04/08/2023 89 MOTION For Expedited Hearing by Plaintiff Dale Williamson.

04/08/2023 91 MOTION for Sanctions by Plaintiff Dale Williamson.

06/02/2023 95 MEMORANDUM OPINION AND ORDER Signed by Magistrate Judge Regina S. Edwards on 6/2/2023: Plaintiff's 64 Motion for Expedited Hearing, DENIED.

08/09/2023 96 MEMORANDUM OPINION AND ORDER Signed by Judge David J. Hale on 8/9/2023: U of L's 78 motion for summary judgment is GRANTED. Williamson's 86 cross-motion for summary judgment is DENIED. A separate Judgment will be issued this date.

08/09/2023 97 JUDGMENT by Judge David J. Hale on 8/9/2023: Judgment is entered in favor of Defendant University of Louisville with respect to all claims asserted by Plaintiff Dale Williamson in this matter. This action is DISMISSED with prejudice and STRICKEN from the Court's docket.

08/16/2023 98 BILL OF COSTS Objections due by 8/30/2023. (Attachments:
1 Affidavit, # 2 Exhibit A - UofL's Itemized Costs, # 3 Exhibit B - Notice of Removal Fee
\$400 receipt, # 4 Exhibit C - Deposition transcript invoices, # 5 Exhibit D - Copy and printing
Excel spreadsheet) by University of Louisville.

09/08/2023 99 Costs Taxed in amount of \$2,720.06 against Plaintiff.

Mr. Williamson followed all of UofL's VRS clients' admission and intake policies by
self identifying and providing IVRS ORTP PSE Disability Documentation.

Mr. Williamson's self identified to all of Mr. Williamson's UofL professor at before or at
start of course ensuring that UofL professor received a copy of UofL's DRC FNF notifying
professor on the need/use of RDAA.

Mr. Williamson withdrawing from courses in 2018 because of UofL failure to provide
Mr. Williamson VRS RDAA to with file and pursue UofL's AIG complex DDC process.

University of Louisville has acknowledge that UofL and Dr. Campbell in 2018 failed to
provide Mr. Williamson with VRS ORTP PSE RDAA explaining UofL's failure was cause from
a combination of reasons.

i. UofL's DRC FNF contain multiple defects including giving UofL and Dr.

Campbell consideration which would allow Dr. Campbell to merely deny Mr.

Williamson's VRS ORTP PSE RDAA,

ii. Dr. Campbell disputes that Mr. Williamson's VRS ORTP PSE RDAA AR MAR
extended time for submission of writing assignments is not a deadline extension.

1 iii. Dr. Campbell disputes that compatibility issues with UofL's DAA text to speech
2 program of mandated required reading material course eBook is not a disability
3 issue but an IT issue,

4 iv. Dr. Campbell has made it clear that she does not care if a disable student has
5 learning disabilities that effect major life activity written communication and has
6 to work on assignments 10 hours a day due to disabilities they do not deserve any
7 more time than a non disable student.

8 v. Dr. Campbell made it clear that she would provide deadline extensions to non
9 disable student who requested extra time for an IT issue as long as the non disable
10 student followed Dr. Campbell's policies.

11 UofL's DRC FNF Direct evidence of the use of legal document to interfere with Mr.,
12 Williamson's "Primary Consideration" on Mr., Williamson's VRS ORTP PSE RDAA AR MAR
13 by leaving information out and altered wording which untimely lead to UofL failing to provided
14 Mr. Williamson VRS ORTP PSE RDAA AR MAR and VRS ORTP PSE RDAA AA in 2018
15 acknowledging the errors in wording of DRC FNF was a large part of the cause of UofL's failure
16 to provided Mr. Williamson disability accommodation in 2018.

17 By UofL's own admissions Mr. Williamson has establish prong 1 for

- 18 i. Failure to provide reasonable VRS ORTP PSE RDAA.
19 ii. UofL's DRC FNF Interference with Mr. Williamson ability to receive VRS ORTP
20 PSE RDAA.
21 iii. Unconscious prejudice bias towards disable student that have learning disabilities
22 that require the use of disability academic adjustments for written communication.

iv. Deliberant indifference on dead line extension.

Mr. Williamson Since 2018 has been fighting to receive VRS ORTP PSE RDAA,

- Requesting UofL to remove all problematic wording and additional wording form legal document know as DRC FNF only leaving the wording “Extended time for submission of writing assignments of 1.5x times”,
- For UofL to update UofL’s anti disability policies to VRS ORTP PSE RDAA AR MAR “Extended time for submission of writing assignments of 1.5x”,
- For UofL provided VRS ORTP PSE RDAA AA Text to Speech program that is compatible with UofL’s online eBooks or instance access to APMF file of eBook,
- For UofL correct Grades on Mr. Williamson’s transcript,
- For UofL to waive Mr. Williamson’s tuition fees removing all blocks for tuition fees in 2018, since IVRS paid tuition fees in 2018.

Analyze claims under the ADA and Section 504 together. *M.J. v. Akron City Sch. Dist.*

Bd. of Educ., 1 F.4th 436, 452 (6th Cir. 2021). Under both, a plaintiff may show discrimination through direct or indirect evidence. *Id.* “Direct evidence explains itself. It does not require the fact finder to make any inferences before concluding that unlawful discrimination happened.” *Id.* (cleaned up). Alternatively, under the indirect method, we analyze a plaintiff9s claims under the burden-shifting paradigm set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973). *Id.* Under that paradigm, a plaintiff must first make out a prima facie case of discrimination by showing that (1) he is disabled; (2) he is “otherwise qualified” to participate in the public program; (3) he was subject to discrimination because of his disability; and (4) for a claim brought under Section 504, the program receives federal funding. *Id.* at 452-53 (quoting

1 *Gohl*, 836 F.3d at 682). And a plaintiff may make out a prima facie case of retaliation by
2 showing that (1) he engaged in a protected activity, (2) the school knew of this protected activity,
3 (3) the school took adverse action against him, and (4) there was a causal connection between the
4 protected activity and the adverse action. *A.C. v. Shelby Cnty. Bd. of Educ.*, 711 F.3d 687, 697
5 (6th Cir. 2013). If the plaintiff makes out a prima facie case, then “the burden shifts to the school
6 to offer a (legitimate, nondiscriminatory) reason for its actions.” *Gohl*, 836 F.3d at 683 (quoting
7 *Monette v. Elec. Data Sys. Corp.*, 90 F.3d 1173, 1179, 1885 (6th Cir. 1996)). <If the school does
8 so, the burden shifts back to [the plaintiff] to establish that the school’s proffered reason is
9 merely a pretext for unlawful discrimination.” *Id.* (citing *Monette*, 173 F.3d at 1186-87). “[O]n a
10 motion for summary judgment, a district court considers whether there is sufficient evidence to
11 create a genuine dispute at each stage of the *McDonnell Douglas* inquiry.” *Briggs v. Univ. of*
12 *Cincinnati*, 11 F.4th 498, 508 (6th Cir. 2021) (quoting *Risch v. Royal Oak Police Dep’t*, 581 F.3d
13 383, 390-91 (6th Cir. 2009)).

14 A disability discrimination claim may be based on “one of three theories of liability:
15 disparate treatment, disparate impact, or failure to make a reasonable accommodation.”
16 *Davis v. Shah*, 821 F.3d 231, 260 (2d Cir. 2016) (citation omitted); see also *McGary*, 386
17 F.3d at 1265–66

18 *Frakes v. Peoria School District No. 150*, 872 F.3d 545 (2017) (Section 504 of the
19 Rehabilitation Act, 29 U.S.C. § 794, is a sister statute to the Americans with Disabilities Act of
20 1990 (“ADA”), 42 U.S.C. §§ 12131–12134. As amended, Section 504 is a civil rights law that
21 prohibits discrimination on the basis of disability by recipients of federal funds, including public
22 schools like Peoria. 29 U.S.C. § 794. In the employment discrimination context, Section 504
23 mirrors the standards applied under Title I of the ADA, including the provisions of Sections

501 through 504, and 510 as they relate to employment. 29 U.S.C. § 794(d) (citing 42 U.S.C. § 12111, et seq. and 42 U.S.C. §§ 12201–12204; 12210). Put simply, Section 504 employment discrimination is controlled by the standards of the ADA and a claim for “interference” pursuant to Section 504 is established pursuant to the standards of the ADA. Under the ADA anti-interference provision, it is unlawful to “coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on the account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by [the ADA].” 42 U.S.C. § 12203(b). While this court has not previously addressed an interference claim made pursuant to the ADA or Section 504, we agree with the district court and the Ninth Circuit that guidance can be found in our application of the anti-interference provision of the Fair Housing Act (“FHA”), 42 U.S.C. § 3617; see *Brown v. City of Tucson*, 336 F.3d 1181, 1191 (9th Cir. 2003) (applying the FHA interference standard to an ADA interference claim). Because the ADA anti-interference clause is identical to the anti-interference clause found in the FHA, compare 42 U.S.C. § 3617 with 42 U.S.C. § 12203(b), we use the FHA framework to establish the legal standard for an ADA interference claim. In doing so, we determine that a plaintiff alleging an ADA interference claim must demonstrate that: (1) she engaged in activity statutorily protected by the ADA; (2) she was engaged in, or aided or encouraged others in, the exercise or enjoyment of ADA protected rights; (3) the defendants coerced, threatened, intimidated, or interfered on account of her protected activity; and (4) the defendants were motivated by an intent to discriminate. See *Bloch v. Frischholz*, 587 F.3d 771, 783 (7th Cir. 2009) (en banc) (providing the framework for an FHA interference claim).)

1 . "Pretext may also be inferred from the timing of the company's termination decision, by the
2 identity of the person making the decision, and by the terminated employee's job performance
3 before the termination." Id. (quoting Cal. Fair Emp't & Housing Comm'n, 122 Cal.App.4th at
4 1023). A defendant's failure to follow its own policies or procedures may likewise provide
5 evidence of pretext. See Moore, 248 Cal.App.4th at 239 (citing Village of Arlington Heights v.
6 Metro. Housing Dev. Corp., 429 U.S. 252, 267 (1977)).

7 UofL has rejected Mr. Williamson's settlement offer and UofL has refused to provide
8 Mr. Williamson a written counter offer or took actions mandated by federal statute to remedy
9 disability discrimination violation and UofL has refused all request made by Mr. Williamson for
10 mediation pre or post court.

11 However UofL has convince the court that Mr. Williamson has acted in lesser than good
12 faith thereby Mr. Williamson is not owe any remedy to resolve favorable ruling which order
13 remedies both non monitory relief and monitory relief, while Mr. Williamson was denied a
14 chance to voice a rebuttal against UofL's false allegations accusing Mr. Williamson of acting in
15 lesser than good faith, especially since Mr. Williamson has never been accused of violating any
16 of UofL's policies.

17 Mr. Williamson brought complaint to court for a fact finding investigation to determine
18 remedies since Mr. Williamson and UofL could not reach a settlement agreement to remedy and
19 resolve UofL's failure to provide reasonable disability accommodations and noncompliance to
20 federal disability statutes.

21 UofL regardless of Mr. Williamson action has to take action mandated by ADA/ADAAA
22 Title II and remedy act to resolve UofL's ADA/ADAAA Title II non compliant failure to

1 provide violation and cannot use legal tactics to avoid mandated remedies, which is why Mr.
2 Williamson is petition a writ of Certiorari to the Supreme Court of the United States to correct a
3 wrong of the district and appeal court denying Mr. Williamson access to the court for mandated
4 remedies and Granting UofL remedies of tuition fees for Mr. Williamson withdrawing from
5 courses in 2018 and legal fees for Mr. Williamson filing complaint in court seek enforcement of
6 remedy from AIG DDC favorable ruling that order remedies/relief..

7 **IX REASON FOR GRANTING THE WRIT**

8 **A. Did UofL's own actions of transferring case from state court to federal court**
9 **combine with Mr. Williamson filing an amend complaint cure the improper venue of case**
10 **the being case originally filed in Jefferson County State Court of Kentucky , since Federal**
11 **Court has original jurisdiction over case or is Mr. Williamson required to file a second**
12 **breach of contract disability discrimination complaint in Frankfort County State Court of**
13 **Kentucky combine with motion to transfer and combine with case already in Western**
14 **Kentucky Federal Court?**

15 Mr. Williamson's attorney file case in the improper venue when the attorney file case in
16 Jefferson county Kentucky state court and not in Frankfort county Kentucky state court, which
17 the defendant filed a motion to dismiss and transfer to cure/correct improper filing made by Mr.
18 Williamson attorney choosing to transfer case to federal court instead of Frankfort county
19 Kentucky state court, and Federal court has original Jurisdiction over case for disability
20 discrimination breach of contract. The case before the court is not a mix case there for Federal
21 court has full jurisdiction over case not requiring breach of contract to be heard separate in state
22 court.

1 UofL's counsel file motion under KRS chapter 452.105 Transfer of case on party's
2 motion upon determination of improper venue. In civil actions, when the judge of the court in
3 which the case was filed determines that the court lacks venue to try the case due to an improper
4 venue, the judge, upon motion of a party, shall transfer the case to the court with the proper
5 venue. Effective: July 14, 2000 History: Created 2000 Ky. Acts ch. 420, sec. 1, effective July 14,
6 2000.

7 28 U.S.C. § 1406 directs the court to dismiss the case, or, "if it be in the interest of
8 justice," to transfer it to a district "in which it could have been brought."

9 A motion to dismiss for improper venue pursuant to Rule 12(b)(3) will only be granted if
10 the case was not filed in a venue prescribed by 28 U.S.C. § 1391. *Kerobo v. Sw. Clean Fuels,*
11 *Corp.*, 285 F.3d 531, 536 (6th Cir. 2002). "[W]hether to dismiss or transfer is within the district
12 court's sound discretion...." *First of Mich. Corp. v. Bramlet*, 141 F.3d 260, 262 (6th Cir. 1998).
13 Because venue is proper in the Eastern District of Kentucky, the motion to dismiss will be
14 denied.

15 Court have held that states are not entitled to sovereign immunity when it comes to
16 matters involving disability discrimination by a government education entity. See *Constantine v.*
17 *Rectors and Visitors of George Mason Univ.*, 411 F.3d 1174, 484-490 (4 Cir. 2005).["We
18 conclude that the Eleventh Amendment poses no bar to Constantine's claims because Congress
19 validly abrogated the States' immunity to suit under Title II of the ADA; the State waived its
20 immunity to suit under § 504 of the Rehabilitation Act " *Constantine v. Rectors, George Mason*
21 *Univ*, 411 F.3d 474, 501 (4th Cir. 2005)LAPIDES v. BOARD OF REGENTS OF UNIVERS
22 also see ITY SYSTEM OF GEORGIA ET AL. CERTIORARI TO THE UNITED STATES

1 COURT OF APPEALS FOR THE ELEVENTH CIRCUIT No. 01-298. Argued February 25,
2 2002-Decided May 13,2002 *Held*: A State waives its Eleventh Amendment immunity when it
3 removes a case from state court to federal court. pp. 617-624. (b) This Court has established the
4 general principle that a State's voluntary appearance in federal court amounts to a waiver of its
5 Eleventh Amendment immunity, *Clark v. Barnard*, 108 U. S. 436,447; *Gardner v. New*
6 *Jersey*, 329 U. S. 565, 574; *Gunter v. Atlantic Coast Line R. Co.*, 200 U. S. 273, 284, and has
7 often cited with approval the cases embodying that principle, see, *e. g.*, *College Savings*
8 *Bank v. Florida Prepaid Postsecondary Ed. Expense Bd.*, 527 U. S. 666, 681, n. 3. Here, Georgia
9 was brought involuntarily into the case as a defendant in state court, but it then voluntarily
10 removed the case to federal court, thus voluntarily invoking that court's jurisdiction. Unless this
11 Court is to abandon the general principle requiring waiver or there is something special about
12 removal in this case, the general principle should apply. Pp. 618-620.

13 The Eleventh Amendment grants a State immunity from suit in federal court by citizens of other
14 States, U. S. Const., Amdt. 11, and by its own citizens as well, *Hans v. Louisiana*, 134 U. S.
15 1 (1890). “The question before us is whether the State's act of removing a lawsuit from state
16 court to federal court waives this immunity. We hold that it does.”]

17 Or as The District/Appeal Court claim The district court properly dismissed the claim.
18 The University is a state agency that is entitled to Eleventh Amendment immunity except where
19 such immunity has been waived by the legislature. See *Raygor v. Regents of Univ. of Minn.*, 534
20 U.S. 533, 540-41 (2002); *McCormick v. Miami Univ.*, 693 F.3d 654, 664-65 (6th Cir. 2012);
21 *Univ. of Louisville v. Rothstein*, 532 S.W.3d644, 647, 650 (Ky. 2017). Kentucky has waived its
22 sovereign immunity for breach-of-contract claims premised on a written contract. Ky. Rev. Stat.
23 § 45A.245. But such claims “shall be brought in the Franklin Circuit Court.” *Id.*; see *Rothstein*,

1 532 S.W.3d at 650 n.2. Because Williamson did not bring his breach-of-contract claim in the
2 Franklin Circuit Court, it was subject to dismissal. *See* Ky. Rev. Stat. § 45A.245; *see also*
3 *Campbell v. Univ. of Louisville*, 862 F. Supp.2d 578, 585 (W.D. Ky. 2012). APPENDIX A No.
4 23-5812 Page 5

5 **B. Which party has primary consideration/ final decision on wording of disable**
6 **individual disability accommodation academic adjustments on legal document know**
7 **Faculty Notification Forms: dose Mr. Williamson have primary consideration with power**
8 **to raise claim in court to have legal document to only state of Mr. Williamson’s reasonable**
9 **disability accommodation wording barring UofL faculty from altering without explaining**
10 **in writing an undue hardship or dose UofL have primary consideration with the ability to**
11 **merely alter legal document wording of Mr. Williamson’s reasonable disability**
12 **accommodation with Mr. Williamson having to ability to have wording corrected?**

13 Mr. Williamson brought case to court to enforce primary consideration on legal
14 document UofL’s DRC FNF by having all problematic irrelevant wording removed from Mr.
15 Williamson’s defined VRS ORTP PSE RDAA AR MAR “extended time for submission of
16 writing assignments”.

17 The court has establishes ADA/ADAAA Title II gives primary consideration Mr.
18 Williamson (disabled person) preventing UofL from merely alter wording of a VRS ORTP PSE
19 RDAA.

20 Guardian Ad Litem, Lynn Bright, Plaintiff-Appellant v. TUSTIN UNIFIED SCHOOL
21 DISTRICT NINTH CIRCUIT COURT OF APPEALS No. 11-56259, citing ” Payne v. Peninsula
22 Sch. Dist., 653 F.3d 863, 872 (9th Cir. 2011) (en banc), petition for cert. pending, No. 11-539

1 (filed Oct. 26, 2011). Moreover, the district court's ruling ignores the ADA's "comprehensive
2 national mandate for the elimination of discrimination against individuals with disabilities,"
3 including discrimination "in such critical areas as * * * education." 42 U.S.C. 12101(a)(3) and
4 (b)(1). "In all circumstances, when assessing the necessity of a specific auxiliary aid, public
5 entities must "give primary consideration" to the individual's request as to how he or she can
6 best receive communications. 28 C.F.R. 35.160(b)(2). Giving primary consideration to an
7 individual's request for a particular mode of communication is warranted due to the "range of
8 disabilities, the variety of auxiliary aids and services, and different circumstances requiring
9 effective communication." Nondiscrimination On The Basis Of Disability In State And Local
10 Government Services, 56 Fed. Reg. 35,694, 35,711-35,712 (July 26, 1991)."

11 Or as The District/Appeal Court "Williamson maintains that he produced direct evidence
12 of discrimination-namely, the initial accommodation letter issued by the DRC. 1 But the letter
13 did not contain any language showing that the University discriminated against Williamson on
14 the basis of his disability." APPENDIX A No. 23-5812 Page 4

15 The District/Appeal Court "After the fall 2018 semester, Williamson met with four
16 University representatives to discuss (1) his "individual remedy for the grade and tuition
17 associated with [the computer] course he took in the summer 2018 term" and (2) the "revisions
18 made to any future accommodation letters" from the DRC. After the meeting, Williamson
19 received a copy of a revised accommodation letter, which showed his approved accommodations
20 for the spring 2019 semester." APPENDIX A No. 23-5812 Page 4

21 Which, would imply that UofL has primary consideration on legal wording of VRS
22 ORTP PSE RDAA on legal document UofL's DRC FNF being able to alter wording and

disregard Mr. Williamson's objections to additional wording being added to Mr. Williamson's VRS ORTP PSE RDAA.

C. Did UofL fail to take Mandated Actions to Remedy Mr. Williamson's ADA/ADAAA Title II Violation AIG DDC Favorable ruling or Did UofL take Mandated action to remedy Mr. Williamson's ADA/ADAAA Title II Violation AIC DDC ruling?

ADA/ADAAA Title II Mandated Remedy Actions for any Favorable ruling Violation.

"We next consider the extent to which Title II was "responsive to, or designed to prevent, unconstitutional behavior." *City of Boerne*, 521 U.S. at 532, 117 S.Ct. 2157." *Constantine v. Rectors, George Mason Univ*, 411 F.3d 474, 487 (4th Cir. 2005)

The Courts on Title II mandate requirements of updating anti-discrimination policies including training on new anti-discrimination policies.

May v. Chrysler Group, LLC, 716 F.3d 963, 975 (7th Cir. 2012) (finding that a written anti-harassment policy is relevant to the analysis of good-faith efforts but not alone sufficient); *E.E.O.C. v. Management Hospitality of Racine, Inc.*, 666 F.3d 422, 438 (7th Cir. 2012) (same); *Hall v. Consolidated Freightways Corp. of Del.*, 337 F.3d 669, 675-76 (6th Cir. 2003) (explaining that the employer must actually implement its policy to engage in good faith); *Romano v. U-Haul Intern.*, 233 F.3d 655, 670 (1st Cir. 2000) (concluding that a written non-discrimination policy alone is not sufficient to insulate an employer from punitive damages liability); *Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493, 517 (9th Cir. 2000) ("[A]n employer must show not only that it has adopted an antidiscrimination policy, but that it has implemented that policy in good faith."). USDC bear the burden to show that it has engaged in good faith efforts to implement an anti-discrimination policy. *AutoZone*, 707 F.3d at

835; *Management Hospitality*, 666 F.3d at 438; *May*, 716 F.3d at 974; *Lampley v. Onyx Acceptance Corp.*, 340 F.3d 478, 482 (7th Cir. 2003) The evidence viewed in light most favorable to the EEOC shows that USDC did not engage in good faith efforts to implement an anti-discrimination policy. *Equal Emp't Opportunity Comm'n v. U.S. Dry Cleaning Servs. Corp.*, 24 F. Supp. 3d 782 (S.D. Ind. 2014)

The Courts on Title II mandate requirements of grade(s) expunge combine with tuitions fees waived.

Other courts of appeals have implicitly endorsed remedies under the ADA and Section 504, such as grade expungement, that are similar to those that Howell seeks here. For example, in *Rudnikas v. Nova Southeastern University*—which postdates the district court’s decision in this case—this Court, over a mootness objection, allowed a law student to pursue an injunction ordering the expungement of a failing grade (which had caused his dismissal) and reversal of a suspension as remedies for retaliation under Title III and Section 504. No. 21- 12801, 2022 WL 17952580, at *6 (11th Cir. Dec. 27, 2022) (per curiam). The Court reasoned that the student’s dismissal from school did not render his appeal moot, because “if we granted him the requested relief, [he] would be reinstated.” *Ibid.* This reasoning assumes that academic record expungement and modification are viable remedies under Title III and Section 504. See also, e.g., *Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 496 (4th Cir. 2005) (allowing Section 504 claim to proceed that sought as relief expungement of a failing grade or “re-examination under reasonable circumstances”).

The United States Court of Appeals for the Sixth Circuit issued an order reaffirming the “less burdensome” standard for “material adverse actions” in retaliation claims and upheld

1 punitive damages againsts employer where it purportedly failed to engage in a good-faith attempt
2 to comply with *Title VII. In Hubbell v. Fedex Smartpost, Inc.*, ___ F.3d ___, 2019 WL 354786
3 (Aug. 5, 2019)

4 Mr. Williamson included a settlement offer with original complaint summated to UofL,
5 which UofL rejected and failed to take mandatory good faith remedy action to resolve Mr.
6 Williamson's favorable ruling.

7 If it was not for UofL's failure to provide reasonable disability accommodations in 2018
8 Mr. Williamson would not have had to withdraw from courses to file and pursue a disability
9 discrimination complaint following UofL's standard withdraw policies that allow for non disable
10 student to merely withdraw from courses without full time statues being changed to pursue a
11 successful disability discrimination complaint.

12 UofL acknowledged using UofL's alternative special Title IV disciplinary policies other
13 than UofL standard withdraw policies to alter Mr. Williamson's student statues form full time to
14 part time for merely withdrawing from courses, however UofL has not explain why only Mr.
15 Williamson is being punished under UofL's alternative special Title IV disciplinary policies for
16 merely withdrawing from courses.

17 UofL has intentionally with hold evidence of UofL's standard non disable student
18 withdraw refund policies that does not punish student for withdrawing but offer refund of tuition
19 fees for course(s) to avoid having to explain why UofL used UofL's alternative special Title IV
20 disciplinary policies instead of UofL's standard withdraw policies.

21 The United States Supreme Court has distinguished between the requirements of due
22 process in both types of dismissals and has concluded that, while in the case of a disciplinary

1 dismissal a hearing must be afforded, due process does not require a formal hearing in the case of
2 academic dismissals. Board of Curators v. Horowitz, 435 U.S. 78, 90, 98 S.Ct. 948, 955, 55
3 L.Ed.2d 124 (1978).

4 Or as The District/Appeal Court “Because Williamson provided no direct evidence, he
5 must rely on indirect evidence to establish a prima facie claim of discrimination. *See id.* The
6 parties dispute only whether Williamson has satisfied the causation element. To establish this
7 element, Williamson “must establish a but-for relationship between the protested act and [his]
8 disability.” *Id.* at 453 (quoting *Gohl*, 836 F.3d at 682). Furthermore, he “must present evidence
9 of how the school treated comparable, non-disabled students.” *Id.* Williamson did not point to
10 any comparators. And there is no evidence in the record about how any similarly situated, non-
11 disabled students were treated. “In the absence of evidence of a well-treated comparator, [the
12 plaintiff] cannot prove that discrimination against the disabled was the reason for [the]
13 mistreatment.” *Gohl*, 836 F.3d at 683 (adding that “[t]he comparator requirement is the be all and
14 end all of the [indirect]-evidence test”). Because Williamson did not make the requisite prima
15 facie showing, the district court properly granted summary judgment to the University on his
16 discrimination claim.” APPENDIX A No. 23-5812 Page 7

17 The District/Appeal Court “Williamson maintains that he produced direct evidence of
18 discrimination-namely, the initial accommodation letter issued by the DRC. 1 But the letter did
19 not contain any language showing that the University discriminated against Williamson on the
20 basis of his disability.” APPENDIX A No. 23-5812 Page 7

1 The District/Appeal Court “ Those remedies never came to fruition, as Williamson
2 ultimately refused to cooperate with Bigelow or the University.” APPENDIX A No. 23-5812
3 Page 3

4 The District/Appeal Court “Although Williamson faults the University for not providing
5 a copy of its “Pell Grant revo[cation],policies”, the University provided other evidence-in
6 particular, a Title IV document detailing the process for returning federal student aid funds,
7 including Pell Grants, when the student withdraws from coursework-to support its revocation
8 decision. The University thus met its burden of articulating a non-retaliatory reason for its
9 adverse actions.” APPENDIX A No. 23-5812 Page 8

10 **D. Dose ADS/ADAAA entitled Mr. Williamson to disability accommodation oral**
11 **argument hearing to repute/dispute UofL’s Prong 2 allegations for use of bad evidence or**
12 **Mr. Williamson is not entitle to disability accommodation oral argument hearing to**
13 **repute/dispute UofL’s Prong 2 allegations for use of bad evidence only written argument**
14 **are allowed with a short 15 day window to appeal being denied motion for disability**
15 **accommodation and motion for hearings?**

16 Mr. Williamson has acted in good faith following all of UofL’s policies and has not been
17 notified of any complaint ever being file or alleged against Mr. Williamson. Only Mr.
18 Williamson filed a successful AIG VRS Disability Discrimination complaint with settlement
19 offer in 2018, which Mr. Williamson received a favorable ruling order remedies with UofL
20 rejecting Mr. Williamson’s settlement offer.

21 Mr. Williamson has for the majority of case acted in Pro Se and to the best of Mr.
22 Williamson’s ability Mr. Williamson has filed motions for disability accommodations oral

1 argument hearing along with many motions for oral arguments hearing on motions with the
2 court, with all Motions being denied. Mr. Williamson has also filed motions disputing UofL and
3 UofL's counsel use of evidence that does not meet federal or state good evidence standards
4 rebut/dispute as bad evidence as defective, fraudulent, basis, prejudices and lack De Novo for a
5 prong 2 Affirmative defense good faith remedy motion to dismiss motion for summary
6 judgment, including in Mr. Williamson final Motion for Summary Judgment which were all also
7 denied.

8 The Supreme Court of The United States in *Cummings v. Premier Rehab Keller* establish
9 that privet citizens has right to file law suit complaint for disability discrimination to seek
10 remedies to enforce disability rights see *Cummings v. Premier Rehab Keller, P.L.L.C.*, 20-219 [
11 "I begin with agreement. First, like the Court, I recognize that "it is 'beyond dispute that private
12 individuals may sue to enforce' the [four] antidiscrimination statutes we consider here." Ante, at
13 3 (quoting *Barnes v. Gorman*, 536 U. S. 181, 185 (2002)). Title VI (prohibiting race
14 discrimination) and Title IX (prohibiting sex discrimination) contain implied rights of action that
15 have been ratified by Congress. *Alexander v. Sandoval*, 532 U. S. 275, 280 (2001). The
16 Rehabilitation Act (prohibiting disability discrimination) and the ACA (prohibiting race, sex,
17 disability, and age discrimination) expressly incorporate the rights and remedies available under
18 Title VI. 29 U. S. C. §794a(a)(2); 42 U. S. C. §18116(a). We have treated these statutes as
19 providing "coextensive" remedies. *Barnes*, 536 U. S., at 185. Thus, the Court's decision today
20 will affect the remedies available under all four of these statutes, impacting victims of race, sex,
21 disability, and age discrimination alike.

22 Second, like the Court, I also recognize that recipients of federal funding are subject to a
23 particular form of liability only if they are " on notice" that, by accepting the funds, they

1 expose themselves to that form of liability. *Id.*, at 187. And a funding recipient is “generally on
2 notice that it is subject . . . to those remedies traditionally available in suits for breach of
3 contract.” *Ibid.* Thus, the basic question here is whether damages for emotional suffering were
4 “traditionally available” as remedies “in suits for breach of contract.” *Ibid.*] and ADAAA has a 4
5 year statute of limits.

6 The Supreme Court of The United States in *TENNESSEE v. LANE* establish disability
7 indivusal right to disability accommodation to access the court and not to be denied the
8 meaningful opportunity to be heard in civil cases. see *TENNESSEE v. LANE* [02-1667], 541
9 U.S. 509 (2004) [The Due Process Clause also requires the States to afford certain civil litigants
10 a "meaningful opportunity to be heard" by removing obstacles to their full participation in
11 judicial proceedings. *Boddie v. Connecticut*, 401 U. S. 371, 379 (1971); *M. L. B. v. S. L. J.*, 519
12 U. S. 102 (1996)

13 Title II, like Title I, seeks to enforce this prohibition on irrational disability
14 discrimination. But it also seeks to enforce a variety of other basic constitutional guarantees,
15 infringements of which are subject to more searching judicial review.
16 See, e.g., *Dunn v. Blumstein*, 405 U. S. 330, 336-337 (1972); *Shapiro v. Thompson*, 394 U. S.
17 618, 634 (1969); *Skinner v. Oklahoma ex rel. Williamson*, 316 U. S. 535, 541 (1942). These
18 rights include some, like the right of access to the courts at issue in this case, that are protected
19 by the Due Process Clause of the Fourteenth Amendment.

20 Because we find that Title II unquestionably is valid §5 legislation as it applies to the
21 class of cases implicating the accessibility of judicial services, we need go no further. See *United*
22 *States v. Raines*, 362 U. S. 17, 26 (1960)

1 With respect to the due process "access to the courts" rights on which the Court
2 ultimately relies, Congress' failure to identify a pattern of actual constitutional violations by the
3 States is even more striking. Indeed, there is nothing in the legislative record or statutory
4 findings to indicate that disabled persons were systematically denied the right to be present at
5 criminal trials, denied the meaningful opportunity to be heard in civil cases"]

6 Mr. Williamson started acting in Pro Se when filing request for Disability
7 Accommodation and request for hearings. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) ("A
8 document filed *pro se* is 'to be liberally construed.'" (quoting *Estelle v. Gamble*, 429 U.S. 97, 106
9 (1976))).

10 Fed. R. of Evidence Rule 403. Excluding Relevant Evidence for Prejudice, Confusion,
11 Waste of Time, or Other Reasons: The court may exclude relevant evidence if its probative value
12 is substantially outweighed by a danger of one or more of the following: unfair prejudice,
13 confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting
14 cumulative evidence.

15 Or as The District/Appeal Court "Williamson seeks to challenge some of the magistrate
16 judge's non-dispositive orders that denied various pre-judgment motions (e.g., his motions for
17 disability accommodations, to compel, and for sanctions). But he cannot because he has forfeited
18 appellate review. Federal Rule of Civil Procedure 72(a) provides that, if a party disagrees with a
19 magistrate judge's order, he must "serve and file objections to the [magistrate judge's] order
20 within 14 days after being served with a copy."

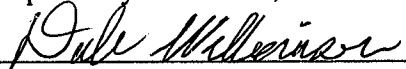
21 X. CONCLUSION

1 The United State Congress in creating ADA/ADAAA Title II place a special duty on the
2 Court to protected The United States Government interest in ADA/ADAAA Title II through the
3 enforcement of would mandated remedies for any/all violations regardless of intent and to ensure
4 disable indivusal will receive a fair and equable, which involves ensuring that the UofL file a
5 adequate proper Affirmative Defense Good Faith Remedy answer pleading supported with
6 admissible good evidence.

7 The District Court and Appeal Court has denied Mr. Williamson access to the court by
8 denying Mr. Williamson an oral argument hearing to state a claim and to rebut/dispute UofL's
9 fourth Motion to dismiss allegation against Mr. Williamson of acting in lesser than good faith
10 when rejecting UofL's counter actions that deprived Mr. Williamson of "Primary
11 Consideration".

12 The petition for a writ of certiorari should be granted.

13 Respectfully submitted,

14 

15 Date: 07-26-24