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PICCIANO PRESS RELEASE

On November 11, 2020, Washington Civil & Disability Advocate (WACDA) and Stein & Vargas published a press release highlighting their allegations that Clark County Jail failed to feed plaintiff Gaven Picciano while he was detained.

Gaining traction from the Columbian, the News Tribune, Clark County Today, and Big Rapids News, Mr. Picciano is hopeful that Clark County will take his allegations seriously and address systematic issues in their jails.

A man with Celiac Disease who was held in Clark County jail without safe access to food filed suit today against Clark County, Clark County Jail, and NaphCare, Inc. in federal court. The suit alleges that the County Jail denied Gaven Picciano’s repeated requests for gluten-free food that was safe for him to eat with the result that he lost more than 10 percent of his bodyweight in just three weeks. The suit includes claims of disability discrimination, constitutional violations, and state law claims.

In January 2020, our client was held at the Clark County Jail for approximately 22 days. Mr. Picciano has Celiac Disease which is an autoimmune disease that requires a strict

gluten-free diet. Although Mr. Picciano notified jail officials that he has Celiac Disease, requested a gluten-free diet and signed off on release of his medical records to prove it, the jail initially refused to provide a safe diet, instead telling Mr. Picciano to trade his meals to other people in detention for bananas. Mr. Picciano became extremely ill and malnourished to the point that he lost consciousness and was not responding to painful stimuli by emergency responders. Even after Mr. Picciano was finally approved for a gluten-free diet, he was nevertheless served food containing gluten further exacerbating his symptoms.

Mr. Picciano continues to suffer impact from his treatment, although he has been released.

Stein & Vargas, LLP and the Washington Civil & Disability Advocate represent Mr. Picciano. “Defendants treated Mr. Picciano in a way that no civilized society should accept.” said Mary Vargas of Stein & Vargas, LLP. “For a jail



Photo from an article published by the Columbian about Mr. Picciano’s lawsuit

to have a policy that by design means people with medical diagnoses requiring special diets do not eat for days or weeks is both unacceptable and unlawful," she added.

UPDATE ON NINTH CIRCUIT MARINER'S CASE

"We all know what it's like to go to a major league baseball game. It's about the sights, the sounds, the experience. The primary reason for going to the game is for what is taking place on the field," said attorney Conrad Reynoldson in the opening of his oral argument. In December, Mr. Reynoldson came before the Ninth Circuit Court of Appeals, along with co-counsel Stephen Hylas from Munger, Tolles & Olson, to argue that T-Mobile Park should provide a comparable fan experience for everyone. WACDA represents four diehard Mariners fans who use wheelchairs and regularly attend games at T-Mobile Park. In some sections of the stadium, nearly all wheelchair accessible seats are far from the field or have obstructed views compared to other seats, creating a "second class" experience for wheelchair users.

This case went to trial back in October of 2019 in order to sort out key issues including insufficient accessible seating distribution at the stadium, insufficient sightlines over standing spectators, and unequal ticket

pricing guidelines. The trial judge decided in favor of the defendants, but WACDA disagreed with the decision, and filed a notice of appeal. 17 different prominent disability rights organizations from across the country submitted an amici curia brief in support of WACDA's case.

Mr. Reynoldson's Ninth Circuit argument focused on the unequal baseball game experiences his clients undergo compared to other spectators. Fans who use wheelchairs cannot see the playing field when standing spectators in the rows in front of them stand up. Additionally, the majority of accessible seating is relegated to the back rows of the stadium. Not only does this provide a sub-par viewing experience, it treats individuals with disabilities as less-than. "You would not pay for a ticket to only see half of the in-field during exciting moments." Yet individuals with disabilities are forced to pay full price for an incomplete viewing and fan experience at T-Mobile Park.

WACDA is excitedly waiting for the Ninth Circuit to issue the decision. Check back in the Volume II, Issue 2 newsletter to (hopefully) read about the results!

ANNUAL DONOR EMAIL SNAPSHOT
Missed our Annual End of Year email? Check out the highlights below!

Screenshot from the Ninth Circuit Court of Appeals oral argument. Attorney Reynoldson is on the bottom left-hand corner, and Attorney Hylas is on the bottom right-hand corner



We Advocated

In 2020, WACDA achieved a positive outcome in just over 85% of our closed cases. A positive outcome can mean many things; it includes remediating inaccessible buildings, parking lots, or other means of public accommodation, demanding changes in discriminatory practices, as well as getting monetary compensation for our clients to recoup lost wages, recover damages, and provide restitution. We were able to secure a monetary award in 81% of cases closed in 2020, as well as facilitated remediations or policy changes in 85% of cases.

In December, our founder and lead attorney, Conrad Reynoldson, appeared in front of the Ninth Circuit Court of Appeals to argue that T-Mobile Park should provide a comparable fan experience for everyone. WACDA represents four diehard Mariners fans who use wheelchairs and regularly attend games at T-Mobile Park. In some sections of the stadium, nearly all wheelchair accessible seats are far from the field or have obstructed views compared to other seats, creating a “second class” experience for wheelchair users.

WACDA filed a Temporary Restraining Order requiring the Seattle Housing Authority to allow a client’s caregiver to park in the garage of his apartment building. Our plaintiff is a wheelchair user who is quadriplegic and lives in an SHA operated low income apartment. Our client requested permission for his caregiver to continue parking in the garage as she had for many months without any issues until they had her towed as a result of new policies. Our client relies on an in-home caregiver to assist him in numerous activities of daily living. SHA denied the request of our client. The Order was granted in May. WACDA, on behalf of our client, moved for a Preliminary Injunction in August to ensure that his caregivers will be able to park in the garage at minimum for the remainder of the case. The parties currently await the decision on the Preliminary Injunction. Trial is currently set to take place starting on September 13, 2021.

We Educated

COVID-19 brought many challenges, but WACDA faced these challenges head-on and continued to educate the community about the injustices people with disabilities face, and the ways in which the pandemic has heightened these disparities.

The Washington State Bar Association and Washington Attorneys With Disabilities Association Beyond the Dialogue: Disability Discrimination During the Pandemic panel in November addressed disability discrimination during the pandemic. Conrad Reynoldson was selected to speak as an expert panelist, focusing his discussion on health care rationing in the event of a medical equipment and personnel shortage. [The Atlantic](#) interviewed Conrad regarding his perspective on these policies as well.

As people and cities adapted to a new normal, the city of Seattle decided to begin encouraging sidewalk cafes to facilitate safer outdoor dining options. Conrad Reynoldson, was quoted in the Stranger and interviewed on [KUOW](#) on how the City of Seattle did not seek input from the disability community prior to rolling out its proposed plans for sidewalk cafe legislation.

We Celebrated

July 26, 2020 marked the 30th Anniversary of the Americans with Disabilities Act! This landmark civil rights law was passed in 1990 and protects people with disabilities from discrimination in employment, government services, businesses open to the public, telecommunications, and more. In celebration, WACDA launched a 30 Days of Accessibility social media campaign, seeking to educate the community about the ADA and other disability rights issues.



RPC LUNCH N' LEARN

As a part of WACDA's mission to educate its Guardians and the community, legal intern Rachel gave a Lunch N' Learn presentation about the Rules of Professional Conduct (RPCs). The presentation focused on the work product doctrine, attorney client privilege, and the duty of confidentiality. These are key legal doctrines and rules that attorneys must strictly follow in practicing law. In order to successfully and ethically represent clients, WACDA attorneys refreshed their knowledge on the rules, and explored ways in which they can continue to be the most effective and passionate advocates for those with disabilities.

Learn more about these rules and watch the Lunch N' Learn presentation on our [YouTube channel!](#)

About WACDA

WACDA is guided by the simple but powerful proposition that all lives have equal dignity and worth. As a result, this organization is committed to providing legal services to people with disabilities without charging attorney fees. WACDA is committed to an "all of the above" approach to increasing accessibility and inclusion in Washington state and, in addition to litigation, assists with disability education and awareness efforts, including informing the disability community on disability rights.

For further information, to be placed on the WACDA mailing list, request this newsletter or other materials in an alternate format, or for any additional comments or questions, please feel free to contact us.

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