

UMCP sued over access to ballgame broadcasts

Action follows successful challenge at FedEx field

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Two deaf Terps fans claim the **University of Maryland, College Park** is violating federal law by not providing closed-captioned broadcasts during sports games.

The complaint, filed Tuesday in **U.S. District Court** in Greenbelt, says there is no way for deaf and hard-of-hearing fans to understand referee calls, commentary and song lyrics during football games at Byrd Stadium and basketball games at Comcast Center.

"They're being deprived of the full experience of the athletic events," said the fans' attorney, Joseph Espo, of **Brown Goldstein Levy LLP** in Baltimore.

Espo is representing Joseph Innes of Ocean View, Del., and Sean Markel, of Glenwood. The defendants are university President Wallace D. Loh and the **University System of Maryland Board of Regents**.

The suit is similar to one Espo and the **National Association of the Deaf** successfully brought against the owners of the **Washington Redskins** over closed captioning of games at FedEx field.

"Maryland is a Division 1 school," Espo said Tuesday. "This is big business. This is not some football game played on a little field in the mud lot."

According to the university's website, closed captioning for football games is provided through a website that is available on game day, which can be accessed with a smart phone or tablet. The university provides tablets that can be checked out at no cost at the stadium, the website says.

"The University of Maryland is committed to providing an outstanding fan experience for all and we certainly do not discriminate against individuals with disabilities," said Brian Ullmann, assistant vice president of university marketing and communications, in a statement. "We offer accommodations

that we believe are in compliance with the law, including providing closed captioning of all game announcement through a special website accessible by any smart phone or tablet. We even offer the loan of tablets on gameday for those who require one. We continue to work to ensure an enjoyable game atmosphere for every one of our fans."

Espo said Innes and Markel cannot understand the outcomes when referees announce penalties and pre- and post-game shows, like press conferences held after football games, which are displayed on Byrd Stadium's electronic boards.

"Hearing fans can stand there and listen," Espo said. "Deaf and hard-of-hearing fans have no way of knowing what is being said by the coach."

Closed captioning is not used on the electronic scoreboards, ribbon boards and the Jumbotron in Comcast Center, the lawsuit claims.

In the 2006 lawsuit against Redskins' owner **Pro Football Inc.**, the plaintiffs also claimed announcements, ads, song lyrics and video replays were not captioned on FedEx Field's electronic displays.

Shortly after that suit was filed, the team started captioning all broadcasts on ribbon boards and half the 150 television sets on the stadium's concourse level. It also captions safety information on its Jumbotrons.

Despite that voluntary action, a federal judge found the case was not moot. In 2008, the court found the Redskins must provide equal access to "aural content" for hard-of-hearing and deaf fans. The **4th U.S. Circuit Court of Appeals** upheld the ruling in 2011.

"That should have been a wakeup signal to what we think should be everybody, but certainly to folks who run the university a couple of miles away, but it apparently was not," Espo said.

Access for all

According to the complaint, Innes

has regularly held season tickets to football and men's and women's basketball games since the 1980s. Markel also regularly attends events at Byrd Stadium and Comcast Center.

Innes and Markel sent a letter to the university this February, requesting captions of any audio messages played on the sports stadiums' public address systems, the lawsuit states.

Espo also pointed to the fact that Byrd Stadium installed a \$1.2 million scoreboard in 2008, which does not have closed captioning.

"All of those were opportunities to address [the needs of] the deaf and hard of hearing," Espo said.

Innes and Markel claim one count of violating the Americans with Disabilities Act and one count of violating the Rehabilitation Act of 1973.

The two men are asking for a declaratory judgment stating that the university is violating the ADA and Rehabilitation Act, a preliminary and permanent injunction ordering the university to provide captioning in its sports stadiums, as well as compensatory damages.

Caroline B. Jackson, of the Silver-Spring based National Association of the Deaf, is co-counsel in the case.

Howard A. Rosenblum, the association's CEO, said captions will help more than just those with hearing impairments.

"All professional and collegiate sports teams need to recognize that many fans, not just those who are deaf or hard of hearing, need captioning in sports stadiums and arenas to understand what is being announced," Rosenblum said in a statement announcing the suit. "Every sports team should implement quality captioning systems visible to everyone not only to comply with the law but also to meet the needs of everyone."