

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-03452-CMA-CBS

AKEEM MAKEEN,

Plaintiff,

v.

THE STATE OF COLORADO,
JANEL BRAVO,
CHARLA BRANHAM, and
ARAPAHOE COUNTY,

Defendants.

ORDER DENYING MOTION TO RECONSIDER

This matter is before the Court on “Plaintiff’s Motion for the Court to Reconsider its Order Affirming United States Magistrate Judge Order, (Doc. # 38).” (Doc. # 41.)

Plaintiff argues that using Communication Access Realtime Translation (“CART”) causes him to have seizures because of “over-response.” (*Id.* at 3.) Further, he contends that he “need[s] a note taker instead of CART” because “by listening and then being able to look over at the notes from time to time allows for my brain to put it together so I can understand fully of what is being said.” (*Id.*)

CART is “an advanced and accurate translation method that uses a human captioner assisted by computer-based captioning technology to transcribe spoken dialogue word-for-word in written sentences.” *Communication Access Realtime Translation: CART Services for Deaf and Hard-of-Hearing People*, DISABILITIES,

OPPORTUNITIES, INTERNETWORKING, AND TECHNOLOGY,

<http://www.washington.edu/doit/videos/index.php?vid=57> (last visited March 11, 2015).

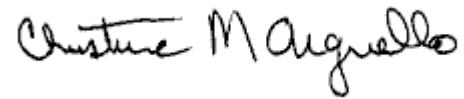
CART allows users to follow dialogue more efficiently and precisely. *Id.* Additionally, CART providers are able to customize their services to accommodate each user's needs and preferences. *Id.* For instance, text font size, color, and display options can be modified to accommodate a CART user's preference. *Id.* In addition, upon approval, a written log of the transcription can be sent to the user at the end of a CART session. *Id.*

The Court finds that CART is a reasonable accommodation for Plaintiff's communication disability. It will allow Plaintiff to listen to what is being said during the court proceeding while being provided the text of the dialogue. In fact, CART is arguable better than a note taker because CART is a quick and accurate translation of the spoken dialogue; Plaintiff will be able to customize CART to accommodate his needs and preferences; and Plaintiff could be given a written log of the transcription at the conclusion of the court proceeding. Further, similar to a note taker, Plaintiff is able to look over the transcribed text from time to time such that he fully understands what is being said during the court proceeding. CART will allow Plaintiff "a fair and equal opportunity to present this case to the court and be heard." (Doc. # 41, 5.)

Accordingly, "Plaintiff's Motion for the Court to Reconsider its Order Affirming United States Magistrate Judge Order, (Doc. # 38)" (Doc. # 41) is DENIED.

DATED: March 11, 2015

BY THE COURT:

A handwritten signature in black ink that reads "Christine M Arguello". The signature is written in a cursive style with a horizontal line underlining the name.

CHRISTINE M. ARGUELLO
United States District Judge