

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DAYNIAH MANDERSON,

Plaintiff,

**RULE 68 OFFER OF
JUDGMENT**

-against-

21 Civ. 02047 (JPC)

THE NEW YORK CITY DEPARTMENT OF
EDUCATION, THE CITY OF NEW YORK, and
RICHARD A. CARRANZA, in his official capacity as
Chancellor of the New York City Department of
Education,

Defendants.
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants, the New York City Department of Education (“DOE”), the City of New York, and Richard A. Carranza (collectively “defendants”), hereby offer to allow plaintiff Dayniah Manderson (“plaintiff”) to take judgment against them in this action for alleged failure to accommodate and disability discrimination in violation of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act (“Section 504”), and the New York City Human Rights Law (“CHRL”) and for all claims that have been, or could have been asserted in the complaint to the date of this offer.

Defendants hereby offer to allow plaintiff to take a monetary judgment against them in this action for fifty thousand and one dollars and zero cents (\$50,001.00), plus reasonable attorneys’ fees, expenses, and costs accrued to date, for all claims that have been, or could have been asserted in the complaint to the date of this offer.

Defendants also hereby offer to allow plaintiff to take an injunctive judgment against them in this action and for all claims that have been, or could have been asserted in the complaint to the date of this offer, for the following equitable relief:

- Defendants will provide plaintiff with two toilet seat riser chairs found at the following link: https://www.walmart.com/ip/Nova-Ortho-Med-Inc-Bathroom-365-Padded-Drop-Arm-Commode/21861238?athcpid=21861238&athpgid=AthenaItempage&athcgid=null&athznid=si&athieid=v0&athstid=CS004&athguid=RaJGILiHDOJ-KcgVz0t0yJZuy5atkpMfo_qo&athancid=null&athena=true. They can be placed over any toilet in Mott Hall Middle School and adjusted to whichever height plaintiff requires, including that of 24 inches. Mott Hall will keep one on the third floor and the other on the main level. Upon inspection or plaintiff reporting a problem, defendants will act promptly to fix any safety concerns or broken items with the toilet seat.
- Within 10 business days of entry of this judgment, defendants will place a permanent sign or placard on the third-floor staff restroom door warning against the improper usage of the automatic push button.
- Defendants will also give staff and students at Mott Hall yearly reminders against using the automatic push button improperly during fall orientation. Defendants will also provide a reminder to all staff and students at Mott Hall within 10 business days of the entry of this judgment.
- Defendants will make every effort to ensure that the automatic door is repaired swiftly by internal staff when needed and feasible. When internal repairs are not feasible, defendants will ensure that external repairs are conducted as swiftly as possible.
- Defendants will continue to ensure that Mott Hall maintains a clear and safe path of egress in the fire safety room and that all staff are trained to keep

this path clear during fall orientation every year. Within 14 days of the entry of this judgment, defendants will provide a reminder to all staff at Mott Hall regarding the importance of maintaining a clear and safe path of egress in the fire safety room

- In the event there is an obstruction blocking the path of egress in the fire safety room or the automatic door opener is inoperable, plaintiff's counsel will notify defendants' counsel immediately. Defendant will ensure the issue is resolved within one business day regarding the fire safety room and as soon as practicable regarding the automatic door opener.
- Defendants will continue to ensure that plaintiff's students journal through a digital medium, such as Google classrooms. If defendants' computer inventory is reduced and defendants can no longer guarantee digital journaling, defendants will have a cooperative dialogue with plaintiff to determine a way in which she can review her students' journals without writing with a utensil or bringing the journals home.
- Defendants will not transfer plaintiff to a different floor on Mott Hall unless she requests and is granted a transfer.
- Defendants will not transfer plaintiff to another school unless she requests and is granted one.
- Defendants will add a letter to plaintiff's personnel file denoting her requirements for an elevator building with an accessible entrance, a fully ADA compliant staff bathroom on the level of her classroom, the use of a toilet seat riser chair that can be adjusted to stand 24-inches-high, and an

accessible and safe path of egress during emergencies.

This judgment shall be in full satisfaction of all claims or rights that plaintiff may have as to damages, or any other form of relief, under the ADA, Section 504, CHRL, or any other law, arising out of the alleged acts or omissions of defendants and any official or employee, either past or present, of the DOE, the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by any defendant, official or employee of the DOE, the City of New York, or any agency thereof, nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants, its successors and assigns, and all past and present officials, employees, representatives and agents of the DOE, and the City of New York from any and all disability discrimination claims, including under the ADA, Section 504, and CHRL, that were or could have been alleged by plaintiff in the above-referenced action. If plaintiff does not accept this offer within fourteen (14) days after service of this offer upon her, this offer will be deemed rejected.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

[INTENTIONALLY LEFT BLANK]

