

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
 David P Griffin

**(b)** County of Residence of First Listed Plaintiff \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorney's (Firm Name, Address, and Telephone Number)  
 Pro se

**DEFENDANTS**  
 PUBLIC ACCESS)-MrURTRALEVISL-N  
 as CHANNEL AU" N

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)  
 Richard S. Clark Attorney 816 Congress AVENUE, Suite 1200, Austin, TX 78701 crichards@rrsfirm.com (512) 476-0005 (512) 476-1513  
 Fax

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTD	DED
Citizen of This State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	SANCRUPTCY	OTHER STATUTES
<input type="radio"/> 110 Insurance	<input type="radio"/> 310 Airplane	<input type="radio"/> 610 Agriculture	<input type="radio"/> 422 Appeal 28 USC 158	<input type="radio"/> 400 State Reapportionment
<input type="radio"/> 120 Marine	<input type="radio"/> 315 Airplane Product Liability	<input type="radio"/> 620 Other Food & Dms	<input type="radio"/> 423 Withdrawal 28 USC 157	<input type="radio"/> 410 Antitrust
<input type="radio"/> 130 Miller Act	<input type="radio"/> 320 Assault, Libel & Slander	<input type="radio"/> 625 Dnlg Related Securities of Property 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="radio"/> 430 Banks and Banking
<input type="radio"/> 140 Negotiable Instrument	<input type="radio"/> 330 Federal Employers' Liability	<input type="radio"/> 630 Liquor Laws	<input type="radio"/> 820 Copyrights	<input type="radio"/> 450 Comm:rtc
<input type="radio"/> ISO Recovery of Overpayment/IT/Ilv/It & Enforcement of Judgment	<input type="radio"/> 340 Marine	<input type="radio"/> 640 RK & Trock	<input type="radio"/> 830 Patent	<input type="radio"/> 460 Deportation
<input type="radio"/> 151 Medicare Act	<input type="radio"/> 345 Marine Product Liability	<input type="radio"/> 650 Airlinc Regs.	<input type="radio"/> 840 Tradctmark	<input type="radio"/> 470 Raeketeer Influenced and COMjpt Organizations
<input type="radio"/> 152 Recovery of Defaulted Student Loans (bel. Veterans)	<input type="radio"/> 350 Motor Vehicle	<input type="radio"/> 660 Occupational Safety/Health	<b>LABOR</b>	<input type="radio"/> 480 Consumer Cr-toJit
<input type="radio"/> 153 Rewvery of Overpayment of Veterans' Benefits	<input type="radio"/> 355 Motor Vehicle Product Liability	<input type="radio"/> 670 Other Fraud	<input type="radio"/> 710 Fair Labor Standards Act	<input type="radio"/> 490 Cable/Sat TV
<input type="radio"/> 160 Stockholders' Suits	<input type="radio"/> 360 Other Personal Injury	<input type="radio"/> 370 Truth in Lending	<input type="radio"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="radio"/> 810 Selective Sen-ice
<input type="radio"/> 190 Other Contract		<input type="radio"/> 380 Othn Personal Property Damage	<input type="radio"/> 730 Labor/MgmLReporting & Disclosure Act	<input type="radio"/> 850 Securities/Commodities: E;-change
<input type="radio"/> 195 Contract Product Liability		<input type="radio"/> 385 Propetly Damage Product Liability	<input type="radio"/> 740 Railway Labor Act	<input type="radio"/> 875 Customer Challenge 12 USC 3410
<input type="radio"/> 196 Franchise			<input type="radio"/> 790 Other Labor Litigation	<input type="radio"/> 890 Other Statutory Actions
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> 891 Agricultural Acts
			<b>LABOR</b>	<input type="radio"/> 892 Economic Stabilization Act
			<input type="radio"/> 740 Railway Labor Act	<input type="radio"/> 893 Environmental Matters
			<input type="radio"/> 790 Other Labor Litigation	<input type="radio"/> 895 Frt-edom of Information Act
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> 900Appeal of Fee Detennation Under Equal Acoeos to Justice
			<b>LABOR</b>	<input type="radio"/> 950 Con-titutionality of State Statutes
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	
			<input type="radio"/> 740 Railway Labor Act	
			<input type="radio"/> 790 Other Labor Litigation	
			<input type="radio"/> 791 Empl. Ret. Inc. Security Act	
			<b>LABOR</b>	

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. (If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.)

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

RECEIVED

AUG 12 2010

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

AUSTIN DIVISION

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

DAVID P GRIFFIN,

Plaintiff,

vs.

PUBLIC ACCESS COMMUNITY  
TELEVISION aka CHANNELAUSTIN

GARRY WILKISON, LINDA LITOWSKY  
CATHY BEAUDOIN, JACKIE GOODMAN,  
CELIA HUGHES, EMANUEL LIMEL PALOMU,  
DANIEL SCARDINO, GEORGE WARMINGHAM,  
KIM MCCARSON, NATOMI A. AUSTIN,  
DAVID KARABINAS, SCOTT D. ROBERTS, PH.D.,  
JJ Weber, CHAD WILLIAMS, and DEBORAH L. HILL

Defendants.

A 1 QCA 60288

Civil Action No # \_\_\_\_\_

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the plaintiff(s), David P. Griffin, appearing pro se, and for a complaint against the defendant[s] above named, states, alleges, and avers as follows:

"JURY"

JURISDICTION

1. This Court has subject matter jurisdiction under 28 U.S.C. sections 1331 and 1343.
2. This action is commenced pursuant to 2201 and 2202 and 42 U.S.c., section 1983.
3. This action in TITLE 18 PART 1 CHAPTER 47 § 1001 Statements or entries generally

GENERAL ALLEGATIONS

4. The plaintiffs, David P. Griffin are citizens of the State of Texas, United States of America.

5. Defendants, PUBLIC ACCESS COMMUNITY TELEVISION also known as CHANNEL AUSTIN, GARRY WILKISON, LINDA LITOWSKY, CATHY BEAUDOIN, JACKIE GOODMAN, CELIA HUGHES, EMANUEL LIMEL PALOMU, DANIEL SCARDINO, TRENA DENLEY, HELENE CAUDILL, GEORGE WARMINGHAM, KIM MCCARSON, NATOMI A.AUSTIN, DAVID KARABINAS, SCOTT D. ROBERTS, PHD., JJ Weber, CHAD WILLIAMS and DEBORAH L. HILL singly and collectively, for causes of action as hereinafter set forth, Plaintiff states the following, own and at all times pertinent to the complaint have owned a commercial business PUBLIC ACCESS COMMUNITY TELEVISION also known as CHANNEL AUSTIN at 143 Northwestern Avenue, City of Austin, TX 78702.

Plaintiffs are individuals with disabilities that management (Linda Litowski) has banned Plaintiff from the Public Access Facility in retaliation for complaining about PACT's incompetence by banning him from the facilities. Banning a citizen from a public forum in retaliation for criticizing PACT is a violation of 42 U.S.C. Section 1983. At least some of Ms. Litowski's unlawful actions were apparently taken with the knowledge of the PACT Board of Directors.

6. Plaintiff is an individual with disabilities Management (Defendants) that cause David P. Griffin from being able to exercise his freedom of speech. All Plaintiff wanted was to use the public access channels and facilities located in Austin, Texas but the defendants are denying the Plaintiff access to the facilities there by interfering with Plaintiff rights of freedom of speech, through not having access to use of the facility. "When a municipality, through its access channel, the citizen may seek redress of such a violation in federal court under 42 U.S.C. Section 1983." *McClellan v. Cablevision of Conn., Inc.* 149 F.3d 161, 168 (2d Cir. 1998), citing *Coplin v. Fairfield Pub. Access Television, III.* F.3d 1395,1398 (8<sup>th</sup> Cir. 1997).

b. Defendants have filed false and misleading documents to the City of Austin, the Federal Court, and the EEOC, stating the number of employee's during the years of 2006, 2007, and 2008 none of these documents match each other. Defendants had to file false and misleading documents to at least 2 of the three government entities mentioned above. (CAUSE NO. D-I-GN-09-002028)

c. Attorney John Heller, (No.A-09-CCV -107-L Y) did file false and misleading documents in a Federal case stating that their clients were not served when the records clearing indicated that they had been served.

d. Nick Papatonis and Gloria Morales (D-I-GN-08-004723 GLORIA MORALES) are also Americans with disabilities and have been denied access. Management has retaliated and banned them from using the facilities claiming that they are a private corporation that has the right to serve whomever they chose.

e. Defendants threatened Plaintiffs ISI (Internet Service Provider) with litigation if the ISI did not stop

publishing Plaintiffs website \-where he had posted court documents. So, I could share these documents with attorneys and friends that were trying to help. The website blocked was The Dam News, I am and have always been a journalist and a member of the press. Recognized by my priors with an Emmy in 1985 for my work in Viet Nam. for CBS News. I do feel the defendants have over stepped their bounds and have interfered \-with my construction rights.

In reality Channel Austin, is a non-profit organization \-with a mandate in their charter to bring freedom of speech to Austin through their facilities? Channel Austin is a non-profit that has a contract with the City to provide City Services they are housed in a City owned building. All the equipment in the building is either owned by Time Warner or the City of Austin, for the soul use of citizens being able to produce content for the public access channels. This non-profit did not exist before the 2005 contract that the defendants signed \-with the city.

Page: 20, SECTION 16. NONDISCRIMINATION AND EQUAL OPPORTUNITY states clearly that they will uphold the American with Disability Act. This non-profit has taken the point of view that even though they have signed a contract stating they would honor the American Disability Act, they are denying myself and others this privilege because Linda Latowski with the City of Austin's blessing through the contracting officer Rondella Hawkins, Channel Austin feels that free speech is great as long as you are not pointing out their own illegal activities.

<http://www.ci.austin.tx.us/telecom/downloads/pactcolltract.pdf>

7. On July 26, 1990, Congress enacted the Americans with Disabilities Act, 42 U.S.C. section 12101, et seq., establishing the most important civil rights law for persons with disabilities in our country's history.

8. The Congressional statutory findings include:

- a. "some 43,000,000 Americans have one or more physical or mental disabilities ... ;
- b. "historically, society has tended to isolate and segregate individuals with disabilities and despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;
- c. "discrimination against individuals with disabilities ties persists in such critical areas as public accommodations;
- d. "individuals with disabilities continually encounter various forms of discrimination, including the discriminatory effects of architectural

e. "the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to pursue those opportunities for which our free society is justifiably famous ...".<sup>42</sup> U.S.C. section 12101(a).

9. Congress went on to state explicitly the purpose of the Americans with Disabilities Act to be:

a. "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

b. to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; and

c. to invoke the sweep of Congressional authority ... to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities." 42 U.S.c. section 12101(b).

10. Congress gave commercial businesses one and a half years to implement the Act. The effective date was January 26, 1992.

II. Nevertheless, Defendant PUBLIC ACCESS COMMUNITY TELEVISION AKA CHANNEL AUSTIN, is a 501(c) Non-Profit organization contracted by the City of Austin to manage the resources and assets of Public Access Channels and whose principle place of business is 1143 Northwestern Avenue, City of Austin, TX 78702, hereinafter referred to as "PACT" and/or "Management." At all times during the timing of the incidents complained of herein and their resulting actions, Defendants GARRY WILKISON ("GARRY") 6103 Gena Court, Austin Texas 78757 and LINDA LITOWSKY ("LINDA") 105 Lake Hills Drive North Austin, TX 78733-3109 USA were executives of PACT and directly responsible for the day-to-day activities of PACT's operations. PACT's Board of Directors consists of Cathy Beaudoin 1000 Brazos St Ste 202, Austin, TX 78701, Jackie Goodman 1143 Northwestern Avenue Austin, TX 78702, Celia Hughes 3710 Cedar Street #17, Austin, Texas 78705, Emanuel Limuel Jr., 416 W Johanna St Austin, TX 78704, Oscar Palomo 1006 Durham Dr, Austin, TX 78753, Daniel Scardino 1203 NEWNING AVE Austin, Texas 78704, Deborah L. Hill, 5930, Middle Fiskville Rd., Austin, Texas 78752-4390, Scott D. Roberts, PH.D. 804 OLYMPIC DR PFLUGERVILLE, TX 78660-4740, David Karabinas 2603 Big Horn Drive Austin, TX 78734, Natomi A. Austin Wall Street, Ste 203 Austin, Texas 78754-4541, Kim McCarson PO Box 2116 Austin TX 78768-2116, George Warmingham 800 W LYNN ST AUSTIN, TX 78703-4746, JJ Weber p.o. Box 7158, Austin, Texas 78713-7158, and Helene Caudill, PH. D. 300 I South Congress Austin Texas 78704 and as Board Members individually and collectively,

are representatives of PACT (hereinafter referred to as "BOARD"). has not eliminated access to the public airways barrier that prevents persons using camera and facilities, etc] from entering, and using] this commercial establishment.

12. One of the most important parts of the Americans with Disabilities Act is Title **III**, known as the "Public Accommodations and Services Operated by Private Entities." 42 U.S.C. section 12181.

13. Congress included a "[PACf Public Access Community Television]" as a public accommodation covered by the Act. 42 U.S.c. section 12181. Management signed a contract stating they would uphold the Americans with Disabilities Act.

14. Defendant's business at 1143 Northwestern Avenue, City of Austin, TX 78702 is a \pUBLIC ACCESS COMMUNITY TELEVISION AKA CHANNEL AUSTIN].

15. As relevant to the present action, discrimination includes, a failure to remove management from being a barriers. . . . in existing facilities ... where such is readily achievable.

16. The U.S.. Department of Justice, in promulgating the federal regulations to implement this Act, defines "readily achievable" to mean "easily accomplishable and able to be carried out without much difficulty or expense," including [removing current management and adding a competent manager with a better understanding of the Act they have agreed to uphold.

17. Other commercial facilities similar to the defendant's have made similar modifications, like what twe I ask here. Defendant could easily make its business accessible but has chosen not to comply with The Americans with Disabilities Act.

18. To assist businesses with complying with the ADA, Congress has enacted a tax credit for small businesses and a tax deduction for all businesses. Sec Section 44 and 190 of the IRS Code. An eligible small business is allowed a tax credit equal to 50% of the amount of the eligible access expenditures between \$250 and \$10,500 for any tax year. A business that removes architectural barriers e.g., by modifying ramps, grading, entrndnces, doors and doorways, may receive an annual tax deduction of up to \$15,000 each year.

19. Plaintiffs want to [exercise his right to use the public access facilities. In the defendants (Public Access Community Television and the equipment, cable channels located on 10, II and 16 on Time Warner Cable in Austin, Texas) \ .

Public access cable television has existed in Austin for 36 years, since June 1973. Between 1973 and 1990, the people's TV operated from an old house, a decommissioned army Quonset hut and a space above a downtown toy store. In January 1990, the City of Austin dedicated its "Austin Access Television Studio" located at 1143 Northwestern Avenue in East Austin. From this building, community-based television programs produced locally by Austin area residents are distributed via channels 10, 11, and 16 to cable subscribers of Time Warner Cable and Grande Communications in Austin and surrounding municipalities.

The City of Austin owns, and is responsible for, the television studio building. Time Warner Cable and the City share ownership of the studios and field production equipment in the building. Since Austin Community Television (ACTV) was incorporated in 1973, the City has contracted with a non-profit corporation to manage the facilities, equipment, resources, community user production training and program scheduling on the three public access channels.

Time Warner Cable (TWC) subscriber fees - \$0.35 per subscriber per month ~ fund the majority (85%) of operation costs. Nearly all the capital equipment purchases come from Time Warner Cable funds, in addition to the operational funds from subscriber fees. The current and final franchise agreement between TWC and the City of Austin went into force in 1996 and is set to expire in August 2011. For the duration of the existing franchise agreement, a total of \$4 million was set aside for capital equipment purchases, to be used at the community television studios and by the City's municipal or government channel 6.

From 1973 to 2005, AerV managed Austin's community television resources. AerV changed its name to Austin Community Access Center (ACAC) in 1996.

**Network Contract** In early 2005, the City of Austin issued an RFP for the management of Austin's community television studios, for a six-year contract period that would start on October 1, 2005 and extend to September 30, 2011. This RFP included language asking that proposals include a technology upgrade plan. Until that time, some of the equipment in the building dated back to the early 1990s. Whereas there had been periodic new equipment purchases with the TWC (and Grande) equipment funds, there had not been a comprehensive or holistic approach to upgrading the systems, workflow, studios and gear.

In 2005, Linda Litowsky and Garry Wilkison formed Public Access Community Television Inc. (PACT), one of three RFP respondents. Litowsky brought her vast experience in the non-profit sector, and television and documentary production to the table, and Wilkison brought his years of experience as an engineer and systems designer. Together they crafted a vision that, with the promise of access to the bulk of the remaining capital equipment funds, would move the community television studios into the 21st century to become a fully realized digital media center. In September 2005, the Austin City Council voted to award

the management contract to PACr, and authorized Telecommunications and Regulatory Affairs (TARA) staff to execute the contract. channelAustin was later adopted as the "doing business as" name for PACT and is the brand for this community media center.

For the first time in community television history in Austin, channelAustin became responsible for program playback for the 3 channels. Previously, program tapes had to be physically driven to Grande Communications for playback. Plans for the playback installation - manufactured by Synergy Broadcast Systems - began within months of channelAustin's contract. In December 2006, playback ceased at Grande and channelAustin took over this responsibility.

Meanwhile, plans for the larger studio and field equipment technology upgrade were also underway by 2006. It was that year that TARA's Rondella Hawkins first put in the request to Time Warner to draw down the remainder of the capital equipment funds - at that point \$1.8 million remained. It was also that year that channelAustin's then General Manager Garry Wilkison began developing plans for a holistic approach to the workflow and systems.

#### FIRST CLAIM OF RELIEF

20. Pursuant to the Americans with Disabilities Act, 42 U.S.c. section 12101, et seq. and the federal regulations promulgated pursuant to this Act, 28 C.P.R. §36.304, defendant was to make the commercial facility at [address] accessible by January 26, 1992. To date, defendant has not.

2J. By failing to remove the management who is barring access where such removal is readily achievable, defendant discriminates against plaintiffs and violates the Americans with Disabilities Act.

WHEREFORE, the plaintiffs, David P. Griffin, pray that the Court issue an injunction enjoining the defendant from continuing its discrimination and that the Court award plaintiffs such additional or alternative relief as may be just, proper, and equitable, including costs.

Respectfully submitted,



David P. Griffin, Plaintiff Pro Se

PO BOX 1013

Johnson City TX 78636

6"11.- rzJ04- 70"J,1