

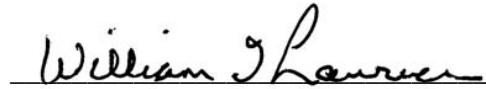
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

GEORGE MARTIN, )  
Plaintiff, )  
 )  
vs. ) 1:08-cv-244-WTL-TAB  
 )  
TD AMERITRADE, INC., )  
Defendant. )

**ORDER ON MOTION FOR SUMMARY JUDGMENT**

This cause is before the Court on Defendant’s Motion for Summary Judgment (Docket No. 27). Plaintiff, who is deaf, brought suit against Defendant claiming that it violated Title III of the Americans with Disabilities Act by refusing to provide him with interpretive services. Defendant argues that it is entitled to judgment in its favor on Plaintiff’s claims because Plaintiff lacks standing and he has not presented a *prima facie* case. The Court is unpersuaded by Defendant’s arguments. First, Plaintiff has alleged circumstances of an actual and imminent harm. Specifically, he contends that Defendant denied his request to provide interpretive services, that it failed to maintain policies and procedures to ensure compliance with the law, and that he has money and intends to conduct business with Defendant in the future. These circumstances are sufficient to confer standing. *See, e.g., Benavides v. Laredo Med. Ctr.*, No. L-08-105, 2009 WL 1755004, \*5 (S.D. Tex. June 18, 2009). Second, factual issues preclude the entry of summary. For instance, there is a question of whether Plaintiff was denied meaningful access to and full and equal enjoyment of Defendant’s services in light of the “auxiliary aids” that Defendant offered, particularly whether those aids were sufficient to ensure effective communication based on the circumstances of this case. Therefore, Defendant’s motion is **DENIED**.

IT IS SO ORDERED: 09/09/2009

A handwritten signature in black ink that reads "William T. Lawrence". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

**Electronically distributed to:**

Philip J. Gibbons Jr.  
GIBBONS JONES, P.C.  
pgibbons@gibbonsjones.com

Jeffrey B. Halbert  
STEWART & IRWIN P.C.  
jhalbert@silegal.com