

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ALANA ORR,

Plaintiff,  
-against-

ANTHONY MCGINTY,

Defendant.

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**PLAINTIFF'S DECLARATION IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

17-CV-1280 GLS/TWD

Alana Orr, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am the named Plaintiff in this action. I submit this declaration, on the basis of my own personal knowledge, and in opposition to Defendant's motion for summary judgment.
2. I am the mother of O-O.K.
3. I brought this lawsuit because I suffer from C-PTSD which affects my cognitive functioning, memory, focus, attention, concentration, sleep, stress response, thought processes, and yes, emotional effects are included.
4. I do not believe that the Defendant in this action safeguarded my rights to be protected under the Americans With Disabilities Act and I do believe that he was in the best position to do so as he witnessed my disturbances in his courtroom and received a letter from me which sought accommodations.
5. Defendant placed a one-year stay away Order against me to stay away from my daughter just because I offended him with one utterance in his courtroom.
6. This left me in a position where I was traumatized and not able to take the stand in the Fact Finding hearing which took place this past Summer.
7. I feel as though the Defendant is biased against me for some reason and that is why he has refused to uphold my Constitutional rights under the ADA.
8. I believe that this violation of my ADA rights has hampered my ability to make the case

that I am the better parent for O-O.K.

9. I am not seeking to have the decision-making processes of the Defendant undermined by this Court as I do understand the issues presented by federalism and believe that State courts should be able to proceed uninhibited by the federal courts.

10. However, the issue herein is not about the decision-making processes of Defendant but rather the ability of a court to make determinations about who is the better parent when someone like me is traumatized by the court and can not adequately represent her own case about why she is the better parent.

11. If the Defendant had brought me in for the interactive process which should be mandated in the situation I found myself in- fighting for custody of my child against an abusive man- I could have made the case that I should have been able to testify remotely and separately from my abuser who is also the abuser of my child.

12. The flippant attitude of the Defendant towards my ADA rights made it impossible for me to adequately access the court and has severely impacted my daughter who now resides with an abusive father.

13. For these reasons, I urge this Court to deny the Defendant's motion for Summary Judgment so that I can be heard on the important issue of my ADA rights and my inability to access the court because of Defendant's flippant attitude towards my rights.

Date: February 21, 2022

ALANA ORR

