

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

NEIGHBOR TO NEIGHBOR, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-3482
	)	
STATE OF INDIANA and the COMM’R	)	
OF THE INDIANA BUREAU OF MOTOR	)	
VEHICLES, in his official capacity,	)	
	)	
Defendants.	)	

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**Introductory Statement**

1. In order to obtain a new driver’s license in Indiana, an individual who meets all other requirements must first take a written “knowledge examination” and then pass a “driving skills exam.” The knowledge examination consists of multiple choice questions concerning Indiana traffic laws and safe driving techniques; these questions are derived directly from the Indiana Driver’s Manual, a downloadable publication updated regularly by the Indiana Bureau of Motor Vehicles. While the knowledge examination itself is offered in fourteen different languages, the Indiana Driver’s Manual on which the examination is based is offered exclusively in English.
2. Neighbor to Neighbor, Inc. is a non-profit organization dedicated to providing assistance to international refugees and other recent immigrants to the South Bend area. As is relevant here, the organization expends considerable efforts attempting to fill the gaps left by the failure of the Bureau of Motor Vehicles—by teaching persons with limited (if any) English

proficiency, but who speak and understand languages in which the knowledge examination is offered, the material covered by the Indiana Driver's Manual so that they may obtain a driver's license. Even then, many of the persons assisted by the organization have been required to take the "knowledge examination" eight or ten times before passing; others have taken the test that many times and have still yet to pass. The reason for this is self-evident: learning material orally is no substitute for the ability to read, study, review, and re-review the Driver's Manual in a language that a refugee or other recent immigrant to Indiana actually understands.

3. The failure to offer the Driver's Manual in any language other than English constitutes national-origin discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.* The failure to offer the Driver's Manual in any language other than English while simultaneously permitting persons to take the knowledge examination based on the information in that Driver's Manual in any of fourteen different languages is also irrational and violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Appropriate declaratory and injunctive relief is warranted.

#### **Jurisdiction, Venue, and Cause of Action**

4. The Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.
5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
6. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.
7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States, as well as pursuant to Title VI of the Civil Rights Act of 1964.

## **Parties**

8. Neighbor to Neighbor, Inc. (“Neighbor to Neighbor”) is a non-profit corporation with its principal place of business in St. Joseph County, Indiana.
9. The State of Indiana is one of the fifty states in the Union and, by accepting federal funding, has waived its entitlement to sovereign immunity as it relates to the plaintiff’s claim under Title VI of the Civil Rights Act of 1964, *see* 42 U.S.C. § 2000d-7(a).
10. The Commissioner of the Indiana Bureau of Motor Vehicles (“BMV”) is the duly appointed head of that agency, and is sued in his official capacity.

## **Factual Allegations**

11. In order to obtain a new Indiana driver’s license from the BMV, persons must, among other things, pass a written “knowledge examination” administered at one of the BMV’s branches.
12. This examination ensures that, before obtaining a driver’s license, persons demonstrate a basic understanding of Indiana traffic laws and safe driving techniques. The examination includes multiple choice questions concerning traffic maneuvers and knowledge of types of traffic signs.
13. The examination is based on information contained in the Indiana Driver’s Manual (“Driver’s Manual”), a lengthy publication that contains the latest information on Indiana traffic laws and regulations and on safe driving techniques. The Driver’s Manual is available for download, through the webpage of the BMV, at <https://www.in.gov/bmv/2557.htm> (last visited Nov. 1, 2018).

14. The knowledge examination is offered by the BMV in thirteen different languages in addition to English: Arabic, Burmese, Chin, French, German, Japanese, Korean, Simplified Chinese, Polish, Punjabi, Russian, Spanish, and Vietnamese.
15. By contrast, the Manual is published only in English.
16. As a result, while many persons who are not fluent in English may take the knowledge examination in their native tongue, they must somehow learn the information tested on that examination in English.
17. Neighbor to Neighbor (<https://n2nsb.com>) is a non-profit organization that is dedicated to creating a mutual relationship among the immigrant and non-immigrant populations in and around South Bend through meaningful friendships and community networking.
18. Neighbor to Neighbor advances its mission in a variety of manners, such as by connecting international refugees and other recent immigrants to the South Bend area to members of the community, by advocating on behalf of international refugees and other recent immigrants, and by assisting international refugees and other recent immigrants navigate and become acclimated to life in the United States and in the South Bend area.
19. In order to assist persons' assimilation into a new culture, Neighbor to Neighbor provides basic tutoring and other practical help that enables persons to, among other things, obtain a library card, understand the American tax system, draft a resumé, seek and obtain sustainable employment, or obtain a driver's license.
20. Obtaining a driver's license is of particular importance to the international refugees and other recent immigrants assisted by Neighbor to Neighbor because the ability to drive is invaluable in their efforts to secure sustainable employment, to obtain and maintain

housing and community relationships, and to accomplish numerous other tasks of contemporary life such as visiting the library or going grocery shopping.

21. Many of the international refugees and other recent immigrants assisted by Neighbor to Neighbor understand very little English. Because of this, they are unable to read or comprehend the Driver's Manual published by the BMV, even though they are otherwise eligible to apply for and obtain an Indiana driver's license and even though they are able to take the BMV's "knowledge examination" in their native tongue because they speak and read one of the other thirteen languages in which that examination is administered.
22. These international refugees and other recent immigrants assisted by Neighbor to Neighbor therefore find themselves in a precarious position: while they are permitted by the BMV to take the written examination in their native tongue, they are unable to learn the information necessary to pass the written examination because the Driver's Manual is offered only in English.
23. Neighbor to Neighbor expends significant amounts of its institutional resources in order to assist persons who understand limited English in obtaining their Indiana driver's license. Specifically, the organization's executive director as well as other community "neighbors"—that is, volunteers—spend hours upon hours with international refugees and other recent immigrants in the South Bend area, attempting to teach persons the information contained within the Driver's Manual so that they may pass the written examination and eventually obtain their driver's licenses.
24. Depending on a person's native language and his or her ability to understand English, information from the Driver's Manual might be conveyed in the individual's native tongue, through a translator, or in English if a person is able to understand some spoken English

even if he or she cannot understand written English. However the information is conveyed, it is no substitute for the ability to read, study, review, and re-review the Driver's Manual in a language that a refugee or other recent immigrant to Indiana actually understands.

25. Because the Driver's Manual is published only in English, many persons assisted by Neighbor to Neighbor have been required to take the BMV's "knowledge examination" six or eight times before they were able to pass it. Others have taken the examination that many times and have, as of yet, still been unable to pass the test.
26. Because the Driver's Manual is published only in English, Neighbor to Neighbor has been forced to expend limited resources to assist persons in learning the information necessary to pass the BMV's "knowledge examination." These resources have necessarily been diverted from other projects and other assistance that Neighbor to Neighbor might provide to refugees and other recent immigrants to the South Bend area. The failure to offer the Driver's Manual in any language other than English subverts the purpose and mission of Neighbor to Neighbor.
27. Neighbor to Neighbor therefore has standing within the meaning of *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).
28. Insofar as language is simply a proxy for a person's national origin, the failure to provide the Driver's Manual in any language other than English constitutes intentional discrimination on the basis of a person's national origin within the meaning of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*
29. There is no legitimate reason, rational or otherwise, for the BMV to offer its "knowledge examination" in fourteen different languages but to only offer the Driver's Manual on which that examination is based in English.

30. The defendants are recipients of federal financial assistance.
31. As a result of the actions or inactions of the defendants, the plaintiff is suffering irreparable harm for which there is no adequate remedy at law.
32. At all times the defendants have acted or refused to act under color of state law.

### **Legal Claims**

33. The failure to offer the Indiana Driver's Manual in any language other than English constitutes national-origin discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*
34. The failure to offer the Indiana Driver's Manual in any language other than English while simultaneously offering the "knowledge examination" based on the information contained within the Driver's Manual in fourteen different languages is not rational and therefore violates substantive due process.

### **Request for Relief**

**WHEREFORE**, the plaintiff respectfully requests that this Court do the following:

1. Accept jurisdiction of this cause and set it for hearing.
2. Declare that the defendants have violated the rights of the plaintiff for the reasons described above.
3. Issue a preliminary injunction, later to be made permanent, requiring the defendants to publish the Indiana Driver's Manual in at least the fourteen languages in which the "knowledge examination" is offered.
4. Award the plaintiff its costs and attorneys' fees pursuant to 42 U.S.C. § 1988 and any other applicable statute.
5. Award all other proper relief.

*/s/ Gavin M. Rose*

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