

FOR IMMEDIATE RELEASE

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**Netflix and National Association of the Deaf (NAD) Reach Historic Agreement to Provide 100% Closed Captions in On-Demand Streaming Content Within Two Years**

(October 10, 2012) Netflix Inc. and the National Association of the Deaf (NAD), a non-profit organization, have submitted a joint Consent Decree to a federal court in Springfield, Mass., ensuring closed captions in 100% of Netflix streaming content within two years.

NAD, along with the Western Massachusetts Association of the Deaf and Hearing-Impaired (WMAD/HI) and Lee Nettles, a deaf Massachusetts resident, brought suit against Netflix seeking that commitment in 2010.

The agreement indicates the parties' mutual intent to increase access for people who are deaf and hard of hearing to movies and television streamed on the Internet. Netflix began its closed-captioning program in 2010. Netflix has increased captioning for 90% of the hours viewed but is now committed to focusing on covering all titles by captioning 100% of all content by 2014. Captions can be displayed on a majority of the more than 1,000 devices on which the service is available.

Howard A. Rosenblum, CEO of NAD, the lead plaintiff in this case, said, "The National Association of the Deaf congratulates Netflix for committing to 100% captioning, and is thrilled to announce that 48 million deaf and hard of hearing people will be able to fully access Netflix's Watch Instantly services."

"We have worked consistently to make the broadest possible selection of titles available to Netflix members who are deaf or hard of hearing and are far and away the industry leader in doing so," said Neil Hunt, Netflix Chief Product Officer. "We are pleased to

have reached this agreement and hope it serves as a benchmark for other providers of streaming video entertainment.”

Netflix will also improve its interface so that subscribers will be better able to identify content that has been captioned in the period until 100% captioning is achieved. The parties have asked the court to maintain jurisdiction of the case for four years to assure compliance with the terms of the Decree, and plaintiffs will monitor Netflix’s progress.

“We’re so pleased that Netflix worked jointly with plaintiffs to devise a reasonable and workable way to achieve 100% captioning. The Decree is a model for the streaming entertainment industry,” said Arlene Mayerson, Disability Rights Education & Defense Fund’s Directing Attorney. “DREDF hopes that this is the beginning of opening the Internet for deaf and hard of hearing individuals in streamed entertainment, education, government benefits, and more.”

The Consent Decree is available here: <http://dredf.org/captioning/netflix-consent-decree-10-10-12.pdf> regarding *National Association of the Deaf, et al. v. Netflix*, Case No. 3:11-cv-30168.

The plaintiffs are represented by the Disability Rights Education & Defense Fund in Berkeley, CA, the Oakland, CA law firm Lewis, Feinberg, Lee, Renaker & Jackson P.C., and the Boston, MA law firm Sugarman, Rogers, Barshak & Cohen, P.C.

Netflix is represented by David F. McDowell and Jacob M. Harper of Morrison & Foerster LLP.

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### **National Association of the Deaf (NAD)**

The National Association of the Deaf (NAD) is the nation's premier civil rights organization of, by and for deaf and hard of hearing individuals in the United States of America. NAD represents the estimated 48 million Americans who are deaf or hard of hearing and is based in Silver Spring, MD. [www.nad.org](http://www.nad.org)

### **Western Massachusetts Association of the Deaf and Hearing Impaired (WMAD).**

WMAD is an advocacy membership organization of individuals who are deaf and hearing impaired in western Massachusetts.

### **Disability Rights Education & Defense Fund (DREDF)**

Founded in 1979 by people with disabilities and parents of children with disabilities, the Disability Rights Education & Defense Fund (DREDF) is a national law and policy center based in Berkeley, CA and is dedicated to protecting and advancing the civil rights of people with disabilities. [www.dredf.org](http://www.dredf.org).

**Lewis, Feinberg, Lee, Renaker & Jackson P.C.**

Lewis, Feinberg, Lee, Renaker & Jackson P.C. is a national law firm based in Oakland, CA that represents plaintiffs in civil rights, employment discrimination, ERISA employee benefit and pension litigation, and wage and hour Overtime litigation.

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