

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Peter B., Jimmy “Chip” E. and Michelle M.,)
)
 Plaintiffs,)
)
 v.)
)
 Marshall C. Sanford, Nikki Randhawa Haley,)
 Anthony Keck, Beverly Buscemi, Kelly Floyd,)
 Richard Huntress, the South Carolina)
 Department of Health and Human Services and)
 the South Carolina Department of Disabilities)
 and Special Needs,)
)
 Defendants.)
)
)
)
)

Civil Action Number:
6:10-767-TMC

**MOTION FOR SUMMARY
JUDGMENT AND/OR TO DISMISS
BASED ON MOOTNESS**

Defendants hereby move for an order dismissing the claims of Plaintiffs Jimmy “Chip” E. and Michelle M. from this action on the ground of mootness.¹ The bases for this motion are set forth in the accompanying memorandum and other attachments. Essentially, those two Plaintiffs have prevailed in a case in the South Carolina Administrative Law Court that has removed the basis for those Plaintiffs’ claims in the present case. The South Carolina Department of Health and Human Services has not appealed that decision. As a result, the issues raised in this case by Chip and Michelle have been rendered moot, and their claims should be dismissed.

¹ Defendants Sanford and Haley have also filed an earlier motion to dismiss based on the Eleventh Amendment and the absence of any duty to the Plaintiffs on the part of the present and former Governors. Docket No. 153. That motion applied to all three Plaintiffs, while the present mootness motion applies only to two of them.

Because this is a dispositive motion as to the two Plaintiffs referenced, it is exempt from the consultation requirements of Local Rule 7.02.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

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March 6, 2012