

**U.S. District Court
District of South Carolina (Greenville)
CIVIL DOCKET FOR CASE #: 6:10-cv-00767-TMC**

B et al v. Sanford et al
Assigned to: Honorable Timothy M Cain
Case in other court: Fourth Circuit, 13-01450
Fourth Circuit, 15-01039
4CCA, 17-02012
Cause: 42:12117 Americans with Disabilities Act

Date Filed: 03/24/2010
Date Terminated: 12/10/2014
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Peter B

represented by **Kenneth C Anthony , Jr**
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Plaintiff

Karen W
TERMINATED: 07/15/2010

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Patricia L Harrison
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Plaintiff

Jimmy Chip E
TERMINATED: 03/07/2013

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Patricia L Harrison
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Plaintiff

Michelle M
TERMINATED: 03/07/2013

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Patricia L Harrison
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Sandra Kerr Ray
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V.

Defendant

Marshall C Sanford
TERMINATED: 06/13/2012

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Defendant

Emma Forkner
TERMINATED: 05/25/2011

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Defendant

Beverly Buscemi

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William Henry Davidson , II
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Defendant

Kelly Floyd

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William Henry Davidson , II
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ATTORNEY TO BE NOTICED

Defendant

**South Carolina Department of Health
and Human Services, The**

represented by **Kenneth Paul Woodington**
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William Henry Davidson , II
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ATTORNEY TO BE NOTICED

Defendant

**South Carolina Department of
Disabilities and Special Needs, The**

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William Henry Davidson , II
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Defendant

Nikki Randhawa Haley
TERMINATED: 06/13/2012

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Defendant

Anthony Keck

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Defendant

Richard Huntress

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V.

Interested Party

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Amicus

**Protection and Advocacy for People
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/24/2010	<u>1</u>	COMPLAINT against Beverly Buscemi, Kelly Floyd, Emma Forkner, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The (Filing fee \$350 receipt number 0420-2626981.), filed by Jimmy Chip E, Peter B, Karen W, Michelle M.(kmca) (Main Document 1 replaced on 3/26/2010) (kmca,). (Entered: 03/25/2010)
03/24/2010	<u>4</u>	Local Rule 26.01 Answers to Interrogatories by Peter B, Jimmy Chip E, Michelle M, Karen W.(kmca) (Entered: 03/26/2010)
03/26/2010	<u>5</u>	Summons Issued as to Beverly Buscemi, Kelly Floyd, Emma Forkner, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (kmca) (Entered: 03/26/2010)
04/09/2010	<u>6</u>	SUMMONS Returned Executed by Jimmy Chip E, Peter B, Karen W, Michelle M. Beverly Buscemi served on 4/1/2010, answer due 4/22/2010; Kelly Floyd served on 4/1/2010, answer due 4/22/2010; Emma Forkner served on 4/8/2010, answer due 4/29/2010; Marshall C Sanford served on 4/1/2010, answer due 4/22/2010; South Carolina Department of Disabilities and Special Needs, The served on 4/1/2010, answer due 4/22/2010; South Carolina Department of Health and Human Services, The served on 4/8/2010, answer due 4/29/2010. (Attachments: # <u>1</u> certified mailing green cards)(Harrison, Patricia) (Entered: 04/09/2010)
04/14/2010	<u>7</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <u>5</u> Summons Issued by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 5/3/2010 No proposed orderMotions referred to Bruce Howe Hendricks.(Woodington, Kenneth) (Entered: 04/14/2010)
04/15/2010	10	TEXT ORDER GRANTING <u>7</u> MOTION for Extension of Time to File Answer. Beverly Buscemi answer due 5/7/2010; Kelly Floyd answer due 5/7/2010; Emma Forkner answer due 5/7/2010; South Carolina Department of Disabilities and Special Needs, The, answer due 5/7/2010; South Carolina Department of Health and Human Services, The, answer due 5/7/2010. Signed by Magistrate Judge Bruce Howe Hendricks on 4/15/10. (kmca) (Entered: 04/15/2010)
04/21/2010	<u>11</u>	First MOTION to Dismiss by Marshall C Sanford. Response to Motion due by 5/11/2010 (Attachments: # <u>1</u> Memo in Support)No proposed orderMotions referred to Bruce Howe Hendricks.(Gaskins, E) (Entered: 04/21/2010)
04/29/2010	<u>12</u>	MOTION for Preliminary Injunction by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 5/17/2010 (Attachments: # <u>1</u> Memo in Support Memorandum in Support, # <u>2</u> Certificate of Service, # <u>3</u> Exhibit Declaration of Carolyn Brown, # <u>4</u> Exhibit Testimony of Jackie Walker, # <u>5</u> Exhibit Declaration of Tod Reel, # <u>6</u> Exhibit Affidavit of Barbara Morgan, # <u>7</u> Exhibit Affidavit/letter of Mel Patterson, MD, # <u>8</u> Exhibit LAC audit of SCDDSN, # <u>9</u> Exhibit White House Press release, # <u>10</u> Exhibit Thomas Perez re: Olmstead enforcement, # <u>11</u> Exhibit Affidavit of Jimmy "Chip" E., # <u>12</u> Exhibit List of Services, Year 5, # <u>13</u> Exhibit List of Services, Year 1, # <u>14</u> Exhibit Newspaper articles "Workability Center, # <u>15</u> Exhibit SC Appropriations Act, # <u>16</u> Exhibit Declaration of Lennie Mullis, # <u>17</u> Exhibit Budget and Control Minutes, # <u>18</u> Exhibit Newspaper article, arrest of Whitten Center Employee, # <u>19</u> Exhibit 1994 Whitten Center investigation, # <u>20</u> Exhibit SC Code 44-26-140, # <u>21</u> Exhibit Direct Care Alliance, # <u>22</u> Exhibit AARP, A Balancing Act, # <u>23</u> Exhibit Letter of David Goodell, # <u>24</u> Exhibit Letter of Beverly Buscemi, # <u>25</u> Exhibit SCDDSN Annual Acct. Report)No proposed orderMotions referred to Bruce Howe Hendricks.(Harrison, Patricia) (Entered: 04/29/2010)

05/05/2010	<u>13</u>	ANSWER to <u>1</u> Complaint, by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.(Woodington, Kenneth) Modified on 5/26/2010: see <u>23</u> Answer to complaint (kmca). (Entered: 05/05/2010)
05/05/2010	<u>14</u>	Local Rule 26.01 Answers to Interrogatories by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.(Woodington, Kenneth) (Entered: 05/05/2010)
05/10/2010	<u>15</u>	SCHEDULING ORDER: Rule 26(f) Conference Deadline 6/1/2010, 26(a) Initial Disclosures due by 6/15/2010, Rule 26 Report due by 6/15/2010, Amended Pleadings due by 8/3/2010, Plaintiffs ID of Expert Witness due by 9/2/2010, Defendants ID of Expert Witnesses Due by 10/4/2010, Records Custodian Affidavit due by 10/4/2010, Discovery due by 12/1/2010, Motions due by 12/16/2010, Mediation Due by 2/14/2011, Rule 26(a)(3) Disclosures due by 3/1/2011, Motion in Limine due by 3/14/2011, Pretrial Briefs due by 3/28/2011, Jury Selection Deadline 4/4/2011. Signed by Honorable R Bryan Harwell on 5/10/10. (kmca) (Entered: 05/10/2010)
05/11/2010	<u>16</u>	RESPONSE in Opposition re <u>11</u> First MOTION to Dismiss Response filed by Peter B, Jimmy Chip E, Michelle M.Reply to Response to Motion due by 5/21/2010 (Harrison, Patricia) (Entered: 05/11/2010)
05/17/2010	<u>18</u>	RESPONSE in Opposition re <u>12</u> MOTION for Preliminary Injunction Response filed by Marshall C Sanford.Reply to Response to Motion due by 5/27/2010 (Gaskins, E) (Entered: 05/17/2010)
05/17/2010	<u>19</u>	RESPONSE in Opposition re <u>12</u> MOTION for Preliminary Injunction Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 5/27/2010 (Attachments: # <u>1</u> Exhibit 1, ALC decision, # <u>2</u> Exhibit 2, Forkner affidavit, # <u>3</u> Exhibit 3, Lacy affidavit, # <u>4</u> Exhibit 4, Roberts affidavit, # <u>5</u> Exhibit 5, Moore affidavit, # <u>6</u> Exhibit 6, Priest affidavit)(Woodington, Kenneth) Modified on 6/14/2010: see <u>28</u> Amended and Supplemental Response (kmca). Modified on 11/8/2010: see <u>70</u> Supplement (kmca). (Entered: 05/17/2010)
05/21/2010	<u>21</u>	REPLY to Response to Motion re <u>11</u> First MOTION to Dismiss Response filed by Marshall C Sanford. (Gaskins, E) (Entered: 05/21/2010)
05/26/2010	<u>22</u>	MOTION to Appoint Attorney/Guardian ad Litem by Peter B, Jimmy Chip E, Michelle M, Karen W. Response to Motion due by 6/14/2010 (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Petition for Guardian Ad Litem)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Bruce Howe Hendricks.(Harrison, Patricia) Modified on 5/27/2010: to remove duplicate text (kmca). Modified on 6/7/2010: see <u>24</u> Certificate of Consultation (kmca). (Entered: 05/26/2010)
05/26/2010	<u>23</u>	ANSWER to <u>1</u> Complaint, (<i>as re-filed after personal service of Complaint</i>) by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.(Woodington, Kenneth) (Entered: 05/26/2010)
06/07/2010	<u>24</u>	CERTIFICATE OF CONSULTATION byPeter B, Michelle M re <u>22</u> MOTION to Appoint Attorney/Guardian ad Litem ad Litem. (Harrison, Patricia) (Entered: 06/07/2010)
06/08/2010	<u>26</u>	ORDER granting <u>22</u> Motion to Appoint Guardian ad Litem. Appointed Sandra Kerr Ray for Peter B, Sandra Kerr Ray for Michelle M. Signed by Magistrate Judge Bruce Howe Hendricks on 6/8/10.(kmca) (Entered: 06/08/2010)
06/08/2010		***DOCUMENT MAILED <u>26</u> Order on Motion to Appoint Guardian ad Litem, with note asking Ms Ray to update her CM/ECF account to include her email address for future service, placed in U.S. Mail to Sandra Kerr Ray (kmca) (Entered: 06/08/2010)
06/11/2010	<u>28</u>	<i>Amended and Supplemental</i> RESPONSE in Opposition re <u>12</u> MOTION for Preliminary Injunction, filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina

		Department of Health and Human Services, The. Reply to Response to Motion due by 6/21/2010 (Attachments: # <u>1</u> Exhibit Amended and Supplemental Lacy Affidavit)(Woodington, Kenneth) Modified on 6/14/2010: to edit text (kmca). Modified on 11/8/2010: See <u>70</u> Supplement (kmca). (Entered: 06/11/2010)
06/15/2010	<u>29</u>	Rule 26(f) Report by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> LR 26.03 Answers)(Woodington, Kenneth) (Entered: 06/15/2010)
06/15/2010	<u>30</u>	Rule 26(f) Report by Marshall C Sanford.(Gaskins, E) (Main Document 30 replaced on 6/17/2010 with corrected document as provided by filing user) (kmca). (Entered: 06/15/2010)
06/15/2010	<u>31</u>	Local Rule 26.03 Answers to Interrogatories by Marshall C Sanford.(Gaskins, E) (Main Document 31 replaced on 6/15/2010 with corrected document as provided by filing user) (kmca). (Entered: 06/15/2010)
06/15/2010	<u>36</u>	Rule 26(f) Report by Peter B, Jimmy Chip E, Michelle M. (Attachments: # <u>1</u> LR 26.03 Answers)(Harrison, Patricia) (Main Document 36 replaced on 6/17/2010 to correct formatting as provided by filing user) (kmca). Modified on 6/17/2010: to correct filing date (kmca). (Entered: 06/17/2010)
06/17/2010	37	DELETION OF DOCKET ENTRY NUMBER #32 Reply, Reason: incorrect main document, incorrect event. Corrected Filing Document Number <u>36</u> Rule 26(f) Report. Modified filing date to that of original filing: 6/15/10. (kmca) (Entered: 06/17/2010)
06/21/2010	<u>39</u>	First MOTION for Extension of Time to File Response/Reply as to <u>28</u> Amended and Supplemental Response in Opposition to <u>12</u> Motion, by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 7/9/2010 No proposed order. Motions referred to Bruce Howe Hendricks.(Harrison, Patricia) Modified on 6/21/2010: to link to correct (amended and supplemental) link (kmca). (Entered: 06/21/2010)
06/22/2010	41	TEXT ORDER granting <u>39</u> Motion for Extension of Time to File Response/Reply as to <u>28</u> Amended and Supplemental Response in Opposition to <u>12</u> MOTION for Preliminary Injunction. Reply due by 6/25/2010. Signed by Magistrate Judge Bruce Howe Hendricks on 6/22/10.(kmca) (Entered: 06/22/2010)
06/25/2010	<u>43</u>	MOTION to Dismiss <i>Karen W. as Plaintiff</i> by Peter B, Jimmy Chip E, Michelle M, Karen W. Response to Motion due by 7/12/2010 No proposed order. Motions referred to Bruce Howe Hendricks.(Harrison, Patricia) Modified on 6/25/2010: to remove duplicate text (kmca). (Entered: 06/25/2010)
06/25/2010	<u>44</u>	REPLY to Response to Motion re <u>12</u> MOTION for Preliminary Injunction Response filed by Peter B, Jimmy Chip E, Michelle M. (Attachments: # <u>1</u> Attachment 1, Affidavit of Chip E., # <u>2</u> Attachment 2, Dr. Barnard, # <u>3</u> Attachment 3, Amber Pliai, # <u>4</u> Attachment 4 Affidavit of B. Morgan, # <u>5</u> Attachment 5, Declaration of C. Brown, # <u>6</u> Attachment 6, Wall Str. Journal, # <u>7</u> Attachment 7, Hadded v. Arnold, # <u>8</u> Attachment 8, Wall Street, Chip E., # <u>9</u> Attachment 9, MRRD Waiver Cuts, # <u>10</u> Attachment 10, Audit of MRRD Waiver, # <u>11</u> Attachment 11, Accountability Report, # <u>12</u> Attachment 12, Chip E. Timesheets, # <u>13</u> Attachment 13, MCAC Report)(Harrison, Patricia) (Main Document 44, Attachment 3, 5, 6, 8, and 9 replaced on 6/29/2010 to replace with corrected documents as provided by filing user) NOTE: MAIN DOCUMENT UPDATED TO CORRECT TYPO ON PG 9, 12 AND 18 (kmca). (Entered: 06/26/2010)
07/02/2010	<u>47</u>	SUR REPLY to REPLY to Response to Motion re <u>12</u> MOTION for Preliminary Injunction Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) (Entered: 07/02/2010)
07/07/2010	<u>48</u>	RESPONSE to Motion re <u>43</u> MOTION to Dismiss <i>Motion to Dismiss Karen W. as Plaintiff</i> Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Reply to Response to Motion due by 7/19/2010 (Woodington, Kenneth) (Entered: 07/07/2010)

07/15/2010	50	TEXT ORDER granting <u>43</u> Motion to Dismiss Karen W. as Plaintiff, as all other parties have either consented or filed no response. Signed by Honorable R Bryan Harwell on 7/15/2010.(mwel,) (Entered: 07/15/2010)
08/03/2010	<u>51</u>	MOTION to Amend/Correct <i>Complaint</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 8/20/2010 (Attachments: # <u>1</u> Proposed amended complaint)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Bruce Howe Hendricks.(Harrison, Patricia) (Main Document 51 replaced on 8/5/2010 with correct document as provided by filing user)(Additional attachment added on 8/5/2010: # <u>2</u> Addendum to Motion (at request of chambers) (kmca). (Entered: 08/03/2010)
08/19/2010	<u>53</u>	RESPONSE in Opposition re <u>51</u> MOTION to Amend/Correct <i>Motion to Amend Complaint and Proposed Order</i> Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 8/30/2010 (Woodington, Kenneth) (Entered: 08/19/2010)
08/19/2010	<u>54</u>	RESPONSE in Opposition re <u>51</u> MOTION to Amend/Correct <i>Motion to Amend Complaint and Proposed Order</i> Response filed by Marshall C Sanford.Reply to Response to Motion due by 8/30/2010 (Gaskins, E) (Entered: 08/19/2010)
08/23/2010	56	Case Reassigned to Judge Honorable J Michelle Childs. Judge Honorable R Bryan Harwell no longer assigned to the case. (glev,) (Entered: 08/23/2010)
08/26/2010	57	NOTICE of Hearing on Motion: Motion Hearing set for 9/13/2010, 02:00 PM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Magistrate Judge Bruce Howe Hendricks. NOTE: While the parties should be prepared to discuss issues related to all outstanding motions, particular attention should be paid to the <u>12</u> MOTION for Preliminary Injunction and the related requirements of irreparable harm and ripeness.(kmca) (Entered: 08/26/2010)
08/26/2010	<u>58</u>	MOTION to Continue by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 9/13/2010 No proposed orderMotions referred to Bruce Howe Hendricks.(Woodington, Kenneth) (Entered: 08/26/2010)
08/30/2010	60	TEXT ORDER granting <u>58</u> Motion to Continue. Signed by Magistrate Judge Bruce Howe Hendricks on 8/30/10.(kmca) (Entered: 08/30/2010)
08/30/2010	61	NOTICE of Cancellation of Hearing: Motion Hearing set for 9/13/2010, 02:00 PM in Greenville #1. (kmca) (Entered: 08/30/2010)
08/30/2010	62	NOTICE OF RESCHEDULED HEARING: Motion Hearing set for 9/13/2010, 02:00 PM in Greenville #1, CANCELED and rescheduled to: Motion Hearing set for 9/28/2010 10:00 AM in Greenville #1, Clement F Haynsworth Fed Bldg, 300 E Washington St, Greenville before Magistrate Judge Bruce Howe Hendricks. NOTE: While the parties should be prepared to discuss issues related to all outstanding motions, particular attention should be paid to the <u>12</u> MOTION for Preliminary Injunction and the related requirements of irreparable harm and ripeness.(kmca) (Entered: 08/30/2010)
08/31/2010	<u>63</u>	MOTION for Extension of Time <i>and Stay of Scheduling Order</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 9/17/2010 No proposed orderMotions referred to Bruce Howe Hendricks.(Harrison, Patricia) (Entered: 08/31/2010)
09/02/2010	65	TEXT ORDER granting <u>63</u> Motion for Extension of Time and Stay of Scheduling Order. The parties will submit an Amended Scheduling Order after the Hearing on September 28, 2010. Signed by Magistrate Judge Bruce Howe Hendricks on 9/2/10.(kmca) (Entered: 09/02/2010)
09/22/2010	<u>66</u>	Amicus Curiae APPEARANCE entered by Sarah Garland St Onge on behalf of Protection and Advocacy for People with Disabilities, Inc., South Carolina Legal Services, South Carolina Chapter of the National Academy of Elder Law Attorneys. (St Onge, Sarah) (Entered: 09/22/2010)

09/28/2010	68	Minute Entry. Proceedings held before Magistrate Judge Bruce Howe Hendricks: Motion Hearing held on 9/28/2010 re <u>12</u> MOTION for Preliminary Injunction filed by Michelle M, Jimmy Chip E, Peter B, <u>11</u> First MOTION to Dismiss filed by Marshall C Sanford, <u>51</u> MOTION to Amend/Correct filed by Michelle M, Jimmy Chip E, Peter B. After oral arguments motions <u>12</u> and <u>51</u> are taken under advisement. Court Reporter Karen E Martin. (kric,) Modified on 9/28/2010 to edit docket text (kric,). (Entered: 09/28/2010)
09/28/2010	69	ORAL ORDER taking under advisement <u>51</u> Motion to Amend/Correct; taking under advisement <u>12</u> Motion for Preliminary Injunction; Written order forthcoming. Signed by Magistrate Judge Bruce Howe Hendricks on 9/28/2010.(kric,) (Entered: 09/28/2010)
11/08/2010	<u>70</u>	SUPPLEMENT by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The to <u>28</u> Response in Opposition to Motion, <u>19</u> Response in Opposition to Motion,, (Attachments: # <u>1</u> Exhibit 1, ALC order denying supersedeas, # <u>2</u> Exhibit 2, Ct. App. order denying supersedeas, # <u>3</u> Exhibit ALC supersedeas petition)(Woodington, Kenneth) (Entered: 11/08/2010)
11/24/2010	<u>71</u>	REPORT AND RECOMMENDATIONS that the plaintiffs' Motion for Injunctive Relief [Doc. 12] be GRANTED and the defendants be ordered to maintain and/or return services in the quality, kind, and volume enjoyed by the plaintiffs prior to January 1, 2010, and, in the case of Peter B., prior to July 2009. Objections to R&R due by 12/13/2010. Signed by Magistrate Judge Bruce Howe Hendricks on 11/24/10. (kmca) (Entered: 11/24/2010)
12/02/2010	<u>72</u>	ORDER granting in part and denying in part plaintiffs' <u>51</u> Motion to Amend/Correct Complaint. Specifically, the plaintiffs have leave to file the entirety of their proposed Amended Complaint [Doc. 51-1], except for those averments related to the American Recovery and Reinvestment Act and the presence 42 U.S.C. § 1985 in the title of Count Five. Signed by Magistrate Judge Bruce Howe Hendricks on 12/2/10.(kmca) (Entered: 12/02/2010)
12/06/2010	<u>73</u>	REPORT AND RECOMMENDATIONS that defendant Sanford's <u>11</u> First MOTION to Dismiss be GRANTED as to all causes of action in the plaintiffs' original <u>1</u> Complaint. Notwithstanding, the defendant should not be dismissed from the case insofar as additional averments against him, related to newly added Medicaid Act and 42 U.S.C. § 1983 claims, have not been implicated, and, therefore, are not addressed, by the present motion. Objections to R&R due by 12/23/2010. Signed by Magistrate Judge Bruce Howe Hendricks on 12/6/10. (kmca) (Entered: 12/06/2010)
12/13/2010	<u>74</u>	OBJECTION to <u>71</u> Report and Recommendations by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Exhibit 1, Buscemi affidavit with attachments, # <u>2</u> Exhibit Whorton statement)(Woodington, Kenneth) (Main Document 74, Attachment 1 and Attachment 2 replaced on 12/14/2010 to correct Judge's initials) (kmca). (Entered: 12/13/2010)
12/14/2010	<u>76</u>	MOTION for Extension of Time to File Answer (<i>unopposed</i>) by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 1/4/2011 No proposed orderMotions referred to Bruce Howe Hendricks.(Woodington, Kenneth) (Entered: 12/14/2010)
12/16/2010	79	TEXT ORDER Granting defendants' <u>76</u> MOTION for Extension of Time to File Answer (<i>unopposed</i>) to Amended Complaint when filed. (Defendants' Answer to Amended Complaint due 14 days after Amended Complaint is filed). Signed by Magistrate Judge Bruce Howe Hendricks on 12/16/10. (kmca) (Entered: 12/16/2010)
12/16/2010	<u>80</u>	MOTION to Withdraw <u>72</u> Order on Motion to Amend/Correct, by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 1/7/2011 (Attachments: # <u>1</u> Exhibit 1, Order of the US Court of Appeals for the Ninth Circuit, Gray Panthers of San Francisco v. Arnold Schwarzenegger, Governor of the State of California, et. al., dated January 11, 2010, # <u>2</u> Exhibit 2, Letter from SC Governor Marshall C. Sanford to Peter Orszag, Director of the US Office of Management and Budget dated April 3, 2009, # <u>3</u> Exhibit 3, CMS Bulletin: American Recovery and Reinvestment Act of 2009,

		Frequently asked Questions from States dated July 7, 2009) Proposed order is being emailed to chambers with copy to opposing counsel. Motions referred to Bruce Howe Hendricks. (Harrison, Patricia) (Main Document 80 replaced on 12/17/2010: to replace incorrect document (header, caption and case number) with corrected document as provided by filing user) (kmca). Modified on 12/17/2010: to add descriptions to exhibits (kmca). (Entered: 12/16/2010)
12/20/2010	<u>82</u>	RESPONSE in Opposition re <u>80</u> MOTION to Withdraw <u>72</u> Order on Motion to Amend/Correct. Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Reply to Response to Motion due by 1/4/2011 (Woodington, Kenneth) Modified on 12/21/2010: to remove duplicate text (kmca). (Entered: 12/20/2010)
12/21/2010	<u>84</u>	MOTION for Extension of Time to File Response/Reply as to <u>74</u> Objection to Report and Recommendations, <i>Unopposed Motion to Extend Time for Plaintiffs to Reply to Defendants' Objections to Report and Recommendation of Magistrate Judge</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 1/7/2011 No proposed order. (Harrison, Patricia) Modified on 12/22/2010: to remove automatic referral to Magistrate Judge Hendricks (kmca). (Entered: 12/21/2010)
12/22/2010	86	TEXT ORDER granting <u>84</u> Unopposed Motion for Extension of Time to File Response/Reply as to <u>74</u> Objection to <u>71</u> REPORT AND RECOMMENDATIONS. Replies due by 1/5/2011. Signed by Honorable J Michelle Childs on 12/22/10. (kmca) (Entered: 12/22/2010)
01/05/2011	<u>87</u>	REPLY by Peter B, Jimmy Chip E, Michelle M to <u>74</u> Objection to Report and Recommendations., (Attachments: # <u>1</u> Exhibit Comptroller General of SC News Release dated August 20, 2010) (Harrison, Patricia) (Entered: 01/05/2011)
01/12/2011	<u>89</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 9/28/10, before Judge Bruce H. Hendricks. Court Reporter Karen E. Martin, Telephone number 864-201-8411, email Karen_E_Martin@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 2/2/2011. Redacted Transcript Deadline set for 2/14/2011. Release of Transcript Restriction set for 4/12/2011. (kmartin) (Entered: 01/12/2011)
01/12/2011	<u>90</u>	REPLY by Beverly Buscemi, Kelly Floyd, Emma Forkner, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The to <u>87</u> Reply (Do not use this event to reply to a Motion), <u>74</u> Objection to Report and Recommendations., (Woodington, Kenneth) (Entered: 01/12/2011)
01/31/2011	92	TEXT ORDER denying <u>80</u> Motion to Withdraw <u>72</u> Order on Motion to Amend/Correct Complaint. This matter is before the Court on the motion of the plaintiffs to withdraw and for clarification. [Doc. 80.] With all due respect to some of the nuance raised in the plaintiffs' brief, the Court would decline to modify its Order. Whether by a denial to amend or a request to withdraw, the result is largely the same -- that the proposed American Recovery and Reinvestment Act claim will not proceed. The Court is not unaware of strategic differences between the two, in this and other cases. That being said, to the Court, the matter has been resolved in keeping with the procedural development in this case and adequately considers the claims as proposed. Moreover, the Court would not make any ruling regarding the effect of its amendment ruling on discovery in this case, going forward. That issue is not before the Court; there is no discovery dispute at hand. Signed by Magistrate Judge Bruce Howe Hendricks on 1/31/11. (kmca) (Entered: 01/31/2011)
02/01/2011	<u>93</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>73</u> Report and Recommendations. It is therefore ORDERED that Defendant's <u>11</u> First Motion to Dismiss filed by Marshall C Sanford, is GRANTED as to all causes of action in Plaintiffs' original <u>1</u> Complaint. Defendant is not dismissed from the case insofar as additional averments against him, related to newly added Medicaid Act and 42 U.S.C. § 1983 claims, have not been implicated, and,

		therefore, are not addressed, by the present motion. Signed by Honorable J Michelle Childs on 2/1/11. (kmca) (Entered: 02/01/2011)
02/07/2011	<u>94</u>	Case Reassigned to Judge Magistrate Judge Jacquelyn D Austin. Judge Magistrate Judge Bruce Howe Hendricks no longer assigned to the case. **Case number changed to 6-10-cv-767-JMC-JDA. Please make a note of it for future filings. (kmca) (Entered: 02/07/2011)
03/07/2011	<u>95</u>	ORDER ADOPTING <u>71</u> REPORT AND RECOMMENDATIONS and GRANTING Plaintiffs' <u>12</u> Motion for Preliminary Injunction, filed by Michelle M, Jimmy Chip E, and Peter B. Defendants shall maintain and/or return services in the quality, kind, and volume enjoyed by Plaintiffs prior to January 1, 2010, and, in the case of Peter B., prior to July 2009. Signed by Honorable J Michelle Childs on 3/7/11. (kmca) (Entered: 03/07/2011)
04/18/2011	<u>97</u>	MOTION to Amend/Correct <u>1</u> Complaint, by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 5/5/2011 (Attachments: # <u>1</u> Main Document Amended Complaint)Proposed order is being emailed to chambers with copy to opposing counselMotions referred to Jacquelyn D Austin.(Harrison, Patricia) (Entered: 04/18/2011)
05/04/2011	<u>99</u>	MOTION to Substitute Attorney (<i>in form of proposed Consent Order</i>) by Marshall C Sanford. Response to Motion due by 5/23/2011 (Attachments: # <u>1</u> Exhibit 1, Letter from K. Woodington to Court)No proposed order.Motions referred to Jacquelyn D Austin.(Woodington, Kenneth) (Additional attachment added on 5/6/2011: # <u>2</u> Certificate of Service Pursuant to LR 83.I.07 as provided by filing user) (kmca). (Entered: 05/04/2011)
05/04/2011	<u>100</u>	RESPONSE in Opposition re <u>97</u> MOTION to Amend/Correct <u>1</u> Complaint, MOTION to Amend/Correct <u>1</u> Complaint, (<i>partially opposing</i>) Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 5/16/2011 (Woodington, Kenneth) (Entered: 05/04/2011)
05/12/2011	<u>103</u>	TEXT ORDER granting <u>99</u> Consent Motion to Substitute Attorney for Defendant Marshall C Sanford. Kenneth Woodington substituted for E Brandon Gaskins. Signed by Magistrate Judge Jacquelyn D Austin on 5/12/11.(kmca) (Entered: 05/12/2011)
05/16/2011	<u>105</u>	REPLY to Response to Motion re <u>97</u> MOTION to Amend/Correct <u>1</u> Complaint, MOTION to Amend/Correct <u>1</u> Complaint, Response filed by Peter B, Jimmy Chip E, Michelle M. (Harrison, Patricia) (Entered: 05/16/2011)
05/20/2011	<u>106</u>	ORDER granting Plaintiffs' <u>97</u> Motion to Amend/Correct <u>1</u> complaint. Plaintiffs have leave to file the proposed Amended Complaint as revised consistent with this Order. Plaintiff shall file the Amended Complaint within seven (7) days of this Order. Signed by Magistrate Judge Jacquelyn D Austin on 5/20/11.(kmca) (Entered: 05/20/2011)
05/25/2011	<u>108</u>	AMENDED COMPLAINT <i>Amended Complaint to include Nikki Randhawa Haley, Anthony Keck,Richard Huntress</i> against Beverly Buscemi, Kelly Floyd, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The, filed by Jimmy Chip E, Peter B, Michelle M. (Harrison, Patricia) (Entered: 05/25/2011)
06/03/2011	<u>110</u>	ANSWER to <u>108</u> Amended Complaint, by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.(Woodington, Kenneth) (Entered: 06/03/2011)
06/03/2011	<u>111</u>	ANSWER to <u>108</u> Amended Complaint, by Marshall C Sanford.(Woodington, Kenneth) (Entered: 06/03/2011)
06/03/2011	<u>112</u>	ANSWER to <u>108</u> Amended Complaint, by Nikki Randhawa Haley.(Woodington, Kenneth) (Entered: 06/03/2011)

06/13/2011	<u>114</u>	MOTION to Compel, MOTION for Sanctions (Response to Motion due by 6/30/2011) by Peter B, Jimmy Chip E, Michelle M. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit 1 Excerpt from Service Coordinator Manual re; support plan, # <u>3</u> Exhibit 2 Letter dated November 9, 2010 transmitting plan of care, # <u>4</u> Exhibit 3 Plan of Care approved by doctor, psychologist and service provider dated Nov. 2010, pages 1–56, # <u>5</u> Exhibit 3 cont. Plan of care approved by doctor, psychologist and service provider dated Nov., 2010 pages 56–125, # <u>6</u> Exhibit 4 Charles Lea Center Plan of Care, # <u>7</u> Exhibit 5 List of providers contacted by Peter's guardian)No proposed order.Motions referred to Jacquelyn D Austin.(Harrison, Patricia) Modified on 6/14/2011: to add exhibit numbers (kmca). (Attachment 3, 4, 5 and 6 replaced on 6/16/2011 for redaction purposes as provided by filing user) (kmca). (Entered: 06/13/2011)
06/15/2011	<u>115</u>	CERTIFICATE OF CONSULTATION byPeter B, Jimmy Chip E, Michelle M re <u>114</u> MOTION to Compel MOTION for Sanctions. (Harrison, Patricia) (Entered: 06/15/2011)
06/17/2011	<u>117</u>	AMENDED ANSWER to <u>108</u> Amended Complaint, by Marshall C Sanford. (Woodington, Kenneth) (Entered: 06/17/2011)
06/17/2011	<u>118</u>	AMENDED ANSWER to <u>108</u> Amended Complaint, by Nikki Randhawa Haley. (Woodington, Kenneth) (Entered: 06/17/2011)
06/30/2011	<u>120</u>	RESPONSE in Opposition re <u>114</u> MOTION to Compel MOTION for Sanctions Response filed by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 7/11/2011 (Attachments: # <u>1</u> Buscemi Affidavit, # <u>2</u> Exhibit 1 to Buscemi Affidavit, Waiver Manual excerpt, # <u>3</u> Exhibit 2, to Buscemi Affidavit, RFP document, # <u>4</u> Moore Affidavit, # <u>5</u> Exhibit 1, to Moore Affidavit, Single Plan excerpts, # <u>6</u> Exhibit 2 to Moore Affidavit, Calendar showing activities)(Woodington, Kenneth) Modified on 7/1/2011: to remove duplicative text (kmca). (Entered: 06/30/2011)
06/30/2011	<u>121</u>	Second MOTION to Amend/Correct <i>Complaint</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 7/18/2011 (Attachments: # <u>1</u> proposed amended complaint)No proposed orderMotions referred to Jacquelyn D Austin.(Harrison, Patricia) (Entered: 06/30/2011)
07/11/2011	<u>123</u>	REPLY to Response to Motion re <u>114</u> MOTION to Compel MOTION for Sanctions Response filed by Peter B, Jimmy Chip E, Michelle M. (Attachments: # <u>1</u> List of Exhibits and Exhibit 1, Testimony from SC DHHS "Fair Hearing", B. v. SC DHHS, # <u>2</u> Exhibit 2, Affidavit of Carolyn B., # <u>3</u> Exhibit 3, Order of Barry Streeter, # <u>4</u> Exhibit 4, B. v. SC DHHS,SC Court of Appeals, Order, # <u>5</u> Exhibit 5, Affidavit of Lennie Mullis, # <u>6</u> Exhibit 6, Calendar, # <u>7</u> Exhibit 7, Excerpts from MRRD Waiver Application, # <u>8</u> Exhibit 8, SC DHHS Qualified Provider List, # <u>9</u> Exhibit 9, Letter to Patricia Harrison from Ken Woodington, # <u>10</u> Exhibit 10, Report of Dr. Deil, # <u>11</u> Exhibit 11, Training records of Charles Lea Center)(Harrison, Patricia) Modified on 7/12/2011: to correct typo (kmca). (Attachment 1 and 4 replaced on 7/18/2011 to redact plaintiff's name; Attachment 3 replaced on 7/18/2011 to replace illegible attachment, as provided by filing user) (kmca). (Entered: 07/11/2011)
07/18/2011	<u>124</u>	RESPONSE in Opposition re <u>121</u> Second MOTION to Amend/Correct <i>Complaint</i> Response filed by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 7/28/2011 (Woodington, Kenneth) (Entered: 07/18/2011)
07/19/2011	<u>125</u>	MOTION to Strike <u>123</u> Reply to Response to Motion, by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 8/5/2011 No proposed order.Motions referred to Jacquelyn D Austin.(Woodington, Kenneth) Modified on 7/21/2011: see <u>128</u> Consultation Certificate (kmca). (Entered: 07/19/2011)

07/21/2011	<u>128</u>	CERTIFICATE OF CONSULTATION by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The re <u>125</u> MOTION to Strike <u>123</u> Reply to Response to Motion. (Woodington, Kenneth) Modified on 7/21/2011: to remove duplicative text (kmca). (Entered: 07/21/2011)
07/28/2011	<u>129</u>	REPLY to Response to Motion re <u>121</u> Second MOTION to Amend/Correct <i>Complaint</i> . Reply filed by Peter B, Jimmy Chip E, Michelle M. (Attachments: # <u>1</u> Exhibit 1, Barbara Hickey v.SCHHS, Order dated July 19, 2011)(Harrison, Patricia) Modified on 7/29/2011: to remove duplicative text (kmca). (Entered: 07/28/2011)
07/28/2011	<u>130</u>	MOTION for Extension of Time <i>to Extend Date for Identifying Experts</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 8/15/2011 No proposed orderMotions referred to Jacquelyn D Austin.(Harrison, Patricia) (Entered: 07/28/2011)
07/29/2011	131	TEXT ORDER: Plaintiffs' <u>121</u> Second Motion to Amend to add an additional Plaintiff on grounds that the new Plaintiff has similar allegations against the Defendants is DENIED. This case was filed on 3/24/2010 and recently amended on 5/25/2011. This court has granted the Plaintiffs opportunity to make substantial amendments to its original complaint (going from 44 to over 320 paragraphs). While Rule 15(a)(2) provides that a party may, at anytime, amend its complaint by leave of court, and that leave should be freely given when justice so requires, this generous standard is tempered by the necessary power of a district court to manage a case. At this point, the court finds that allowing the proposed amendment in this action would be prejudicial to Defendants. The fact-specific nature of the allegations against Defendants weighs against the addition of a new Plaintiff with different fact-specific claims. It does not appear that Plaintiffs' counsel is foreclosed from filing a separate action on the part of this new plaintiff. Signed by Magistrate Judge Jacquelyn D Austin on 7/28/11.(kmca) (Entered: 07/29/2011)
07/29/2011	132	TEXT ORDER denying <u>114</u> Motion to Compel; denying <u>114</u> Motion for Sanctions. Upon review of the the pleadings and affidavits accompanying this motion and Defendants' response, the Court does not find that Defendants have violated the March 7, 2011 order of this Court. Therefore sanctions for contempt are not appropriate. Further, Plaintiffs' request that the Court order the State to hire a care giver who is not a qualified contractor of services under its procurement guidelines is denied. This court finds that it has no such authority unless the policy or procedure to qualify such contractor services is found to be unconstitutional. Signed by Magistrate Judge Jacquelyn D Austin on 7/28/11.(kmca) (Entered: 07/29/2011)
07/29/2011	133	TEXT ORDER: The Parties are directed to submit, to chambers, an agreed upon joint proposed amended scheduling order within 5 days of this text order. Signed by Magistrate Judge Jacquelyn D Austin on 7/28/11. (kmca) (Entered: 07/29/2011)
08/02/2011	<u>134</u>	CONSENT AMENDED SCHEDULING ORDER: 26(a) Initial Disclosures due by 8/29/2011, Plaintiffs ID of Expert Witness due by 9/30/2011, Defendants ID of Expert Witnesses Due by 10/31/2011, Records Custodian Affidavit due by 11/15/2011, Discovery due by 3/30/2012, Motions due by 4/20/2012, Rule 26(a)(3) Disclosures due by 5/15/2012, Jury Selection Deadline 7/16/2012. Signed by Honorable J Michelle Childs on 8/2/11. (kmca) (Entered: 08/02/2011)
08/02/2011	<u>135</u>	MEDIATION ORDER: Mediation Due by 4/10/2012. Signed by Honorable J Michelle Childs on 8/2/11. (kmca) (Entered: 08/02/2011)
08/02/2011	136	TEXT ORDER granting <u>130</u> Motion for Extension of Time. See <u>134</u> Consent Amended Scheduling Order for deadlines. Signed by Magistrate Judge Jacquelyn D Austin on 8/2/11.(kmca) (Entered: 08/02/2011)
08/05/2011	<u>137</u>	RESPONSE in Opposition re <u>125</u> MOTION to Strike <u>123</u> Reply to Response to Motion. Response filed by Peter B, Jimmy Chip E, Michelle M. Reply to Response to Motion due by 8/15/2011 (Attachments: # <u>1</u> Exhibit 1, Affidavit of Carolyn B., # <u>2</u> Exhibit 2, Affidavit of Lennie Mullis)(Harrison, Patricia) Modified on 8/8/2011: to remove duplicative text (kmca). (Entered: 08/05/2011)

08/08/2011	<u>139</u>	MOTION for Reconsideration/to Alter or Amend 132 Order on Motion to Compel, Order on Motion for Sanctions, by Peter B. Response to Motion due by 8/25/2011 (Attachments: # <u>1</u> Exhibit 1, B__v. SC Dept. HHS, SC Court of Appeals order dated April 20, 2011, # <u>2</u> Exhibit 2, Statement of DOJ on Enforcement of the ADA)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Jacquelyn D Austin.(Harrison, Patricia) Modified on 8/9/2011: to correct motion relief (kmca). (Entered: 08/08/2011)
08/09/2011	<u>140</u>	CERTIFICATE OF CONSULTATION byPeter B re <u>139</u> MOTION for Reconsideration. (Harrison, Patricia) (Entered: 08/09/2011)
08/10/2011	<u>141</u>	MOTION to Quash <i>or for Protective Order</i> by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 8/29/2011 (Attachments: # <u>1</u> Exhibit Subpoena)No proposed orderMotions referred to Jacquelyn D Austin.(Woodington, Kenneth) (Entered: 08/10/2011)
08/15/2011	<u>142</u>	REPLY to Response to Motion re <u>125</u> MOTION to Strike <u>123</u> Reply to Response to Motion,,, MOTION to Strike <u>123</u> Reply to Response to Motion,,, Response filed by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) (Entered: 08/15/2011)
08/18/2011	144	NOTICE to counsel: Magistrate Judge Austin is no longer assigned to this case. Please use the case number 6:10-767-JMC for all future filings. (awil) (Entered: 08/18/2011)
08/25/2011	<u>145</u>	RESPONSE in Opposition re <u>139</u> MOTION for Reconsideration Response filed by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 9/6/2011 (Woodington, Kenneth) (Entered: 08/25/2011)
09/06/2011	<u>146</u>	REPLY to Response to Motion re <u>139</u> MOTION for Reconsideration Response filed by Peter B, Jimmy Chip E, Michelle M. (Harrison, Patricia) (Entered: 09/06/2011)
10/12/2011	147	TEXT ORDER REFERRING MOTION: <u>139</u> MOTION for Reconsideration filed by Peter B. Signed by Honorable J Michelle Childs on 10/12/11. Motions referred to Jacquelyn D Austin.(awil) (Entered: 10/12/2011)
10/12/2011	149	TEXT ORDER The court dismisses Defendants' Motion to Strike <u>125</u> as moot. Magistrate Judge Jacquelyn Austin has ruled in Defendants favor on the Motion to Compel <u>114</u> noting her consideration of the motion and Defendants' response only. Signed by Honorable J Michelle Childs on 10/12/11.(awil) (Entered: 10/12/2011)
10/12/2011	150	TEXT ORDER The court grants Defendants' unopposed Motion to Quash or for a Protective Order <u>141</u> . Defendants shall be protected from the production of the limited quantity of documents which it seeks to protect from disclosure based on the attorney work product privilege. Defendants shall produce a privilege log containing a listing of such documents which are withheld on this basis. The privilege log shall be produced to Plaintiff within ten (10) days of the date of this order. Signed by Honorable J Michelle Childs on 10/12/11.(awil) (Entered: 10/12/2011)
10/18/2011	151	Case Reassigned to Judge Honorable Timothy M Cain. Judge Honorable J Michelle Childs no longer assigned to the case. (glev,) (Entered: 10/18/2011)
10/26/2011	<u>153</u>	MOTION for Summary Judgment by Nikki Randhawa Haley, Marshall C Sanford. Response to Motion due by 11/14/2011 (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Affidavit)No proposed order(Woodington, Kenneth) (Entered: 10/26/2011)
10/27/2011	<u>154</u>	MOTION to Stay re <u>153</u> MOTION for Summary Judgment (<i>motion to stay discovery as to defendants Haley and Sanford</i>) by Nikki Randhawa Haley, Marshall C Sanford. Response to Motion due by 11/14/2011 No proposed order(Woodington, Kenneth) (Entered: 10/27/2011)

10/28/2011	<u>155</u>	ORDER denying <u>139</u> Motion for Reconsideration re <u>132</u> Order on Motion to Compel, Order on Motion for Sanctions. Signed by Magistrate Judge Jacquelyn D Austin on 10/28/11.(kmca) (Entered: 10/28/2011)
10/31/2011	<u>156</u>	DEFENDANT'S ID OF EXPERT WITNESSES by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.(Woodington, Kenneth) (Entered: 10/31/2011)
11/07/2011	<u>157</u>	First MOTION for Extension of Time to File Response/Reply by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 11/28/2011 (Attachments: # <u>1</u> Exhibit Powley Award)No proposed order(Harrison, Patricia) (Entered: 11/07/2011)
11/14/2011	<u>159</u>	TEXT ORDER granting <u>157</u> Motion for Extension of Time to File Response/Reply. Plaintiffs Responses to Defendants Sanford and Haley's Motion for Summary Judgment and Motion to Stay shall be due November 23, 2011. Signed by Honorable Timothy M Cain on 11/14/2011.(vmcd) (Entered: 11/14/2011)
11/23/2011	<u>160</u>	RESPONSE in Opposition re <u>153</u> MOTION for Summary Judgment Response filed by Peter B, Jimmy Chip E, Michelle M.Reply to Response to Motion due by 12/5/2011 (Attachments: # <u>1</u> Exhibit senate Journal, March 2011, # <u>2</u> Exhibit 2003 Audit by DHHS, # <u>3</u> Exhibit Appointment Of MAP comm., # <u>4</u> Exhibit MAP comm. report, # <u>5</u> Exhibit Hickey order, # <u>6</u> Exhibit Affidavit of DDSN State director, # <u>7</u> Exhibit Carolina Medical review invest., # <u>8</u> Exhibit 2006 review of Waiver program, # <u>9</u> Exhibit Study, USC school of Public Health, # <u>10</u> Exhibit Steve Jeffcoat affidavit, # <u>11</u> Exhibit Sanford removal of Comm. Bagnal, # <u>12</u> Exhibit LAC Audit report, # <u>13</u> Exhibit Greenville pastor asked to resign, # <u>14</u> Exhibit Sanford posturing, # <u>15</u> Exhibit Wall St. Journal article, "Don't bail out my State", # <u>16</u> Exhibit Wall Street Journal, "Governors against bailouts, # <u>17</u> Exhibit Sanford letter to Obama, 2008, # <u>18</u> Exhibit Comptroller Eckstrom, news release, # <u>19</u> Exhibit Andy Laurent, Apology, # <u>20</u> Exhibit Forkner letter to CMS, # <u>21</u> Exhibit Forkner testimony, post and courier article, # <u>22</u> Exhibit HHS leaders leave SC, # <u>23</u> Exhibit DDSN letterhead with Governors names, # <u>24</u> Exhibit Haley TV interview, # <u>25</u> Exhibit Haley letter to Obama, # <u>26</u> Exhibit Haley joins with Govs for Medicaid reform, # <u>27</u> Exhibit Superfund site, Spartanburg, # <u>28</u> Exhibit Budget and Control Board minutes, # <u>29</u> Exhibit Affidavit of Carolyn Brown, # <u>30</u> Exhibit Scott English e-mails)(Harrison, Patricia) (Entered: 11/23/2011)
12/05/2011	<u>163</u>	REPLY to Response to Motion re <u>154</u> MOTION to Stay re <u>153</u> MOTION for Summary Judgment (<i>motion to stay discovery as to defendants Haley and Sanford</i>), <u>153</u> MOTION for Summary Judgment Response filed by Nikki Randhawa Haley, Marshall C Sanford. (Attachments: # <u>1</u> Exhibit 1, Materials from 9-3-09 Budget and Control Board meeting)(Woodington, Kenneth) (Entered: 12/05/2011)
12/08/2011	<u>164</u>	TEXT ORDER granting (Dkt. # <u>154</u>) Motion to Stay Discovery as to Defendants Haley and Sanford until the court rules on these Defendants' pending Motion for Summary Judgment (Dkt. # <u>153</u>). Signed by Honorable Timothy M. Cain on 12/8/2011.(vmcd) (Entered: 12/08/2011)
01/19/2012	<u>165</u>	MOTION Compliance of one plaintiff's representatives with Medicaid requirements by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 2/6/2012 (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit 1, Federal Register, # <u>3</u> Exhibit 2, Excerpts from SC Medicaid Waiver Application, # <u>4</u> Exhibit 3, Letter of Patricia Harrison, # <u>5</u> Exhibit 4, E-mail, DHHS to CMS, # <u>6</u> Exhibit 5, E-mail, CMS to DHHS, # <u>7</u> Exhibit 6, Letter, DHHS to P. Harrison, # <u>8</u> Exhibit 7, E-mail from Patricia Harrison, # <u>9</u> Exhibit 8, Floyd Affidavit and attachments)No proposed order(Woodington, Kenneth) (Entered: 01/19/2012)
02/06/2012	<u>166</u>	RESPONSE in Opposition re <u>165</u> MOTION Compliance of one plaintiff's representatives with Medicaid requirements Response filed by Peter B.Reply to Response to Motion due by 2/16/2012 (Attachments: # <u>1</u> Exhibit Service Coordination Manual, # <u>2</u> Exhibit Detailed Claims Report, # <u>3</u> Exhibit Correspondence, # <u>4</u> Exhibit 2010 Plan of Care, # <u>5</u> Exhibit 2011 Plan of Care, # <u>6</u> Exhibit Charles Lea Center Plan of Care, # <u>7</u> Exhibit Michael Floyd Service Notes, # <u>8</u> Exhibit Guardianship Order, # <u>9</u>

		Exhibit DHHS Policy, # <u>10</u> Exhibit Affidavit of Lennie Mullis, # <u>11</u> Exhibit Affidavit of Mary Katherine Bagnal, # <u>12</u> Exhibit Declaration of Dr. Reel, # <u>13</u> Exhibit Declaration of Lennie Mullis 2010, # <u>14</u> Exhibit ALC Order on Consolidated Cases, # <u>15</u> Exhibit ALC Order on Chip E., # <u>16</u> Exhibit ALC Order on Michelle M.)(Harrison, Patricia). (Additional attachment(s) added on 2/8/2012: # <u>17</u> Exhibit Privilege list of emails) (gpre,). Modified on 2/8/2012 to replace incorrect main document and incorrect attachment 3 with correct documents as provided by filing user (gpre,). Modified on 2/9/2012 to replace unsigned main document with signed document as provided by filing user(gpre,). (Entered: 02/06/2012)
02/16/2012	<u>168</u>	REPLY to Response to Motion re <u>165</u> MOTION Compliance of one plaintiff's representatives with Medicaid requirements Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Exhibit 1, Lacy Affidavit)(Woodington, Kenneth) (Entered: 02/16/2012)
03/06/2012	<u>169</u>	MOTION to Dismiss <i>based on mootness</i> , MOTION for Summary Judgment <i>based on mootness</i> (Response to Motion due by 3/23/2012) by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit ALC Order, # <u>3</u> Exhibit Buscemi Affidavit, # <u>4</u> Exhibit DHHS Order (J.E.), # <u>5</u> Exhibit DHHS Order (M.M.))No proposed order(Woodington, Kenneth) (Entered: 03/06/2012)
03/19/2012	<u>170</u>	Consent MOTION for Extension of Time (<i>mediation and scheduling order deadlines</i>) by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 4/5/2012 No proposed order(Woodington, Kenneth) (Entered: 03/19/2012)
03/20/2012	171	TEXT ORDER granting <u>170</u> Consent Motion for Extension of Time. The deadlines in the Amended Scheduling Order (Dkt. # 135) are amended as follows: Mediation shall be completed before May 25, 2012; Dispositive motions are due June 5, 2012; Rule 26(a)(3) pretrial disclosures are due June 29, 2012; and this case is subject to jury selection and trial after September 10, 2012. Signed by Honorable Timothy M. Cain on 3/20/2012.(vmcd) (Entered: 03/20/2012)
03/22/2012	<u>172</u>	First MOTION for Extension of Time <i>to respond to Motion to Dismiss</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 4/9/2012 Proposed order is being emailed to chambers with copy to opposing counsel(Harrison, Patricia) (Entered: 03/22/2012)
03/22/2012	173	TEXT ORDER granting <u>172</u> Motion for Extension of Time. Plaintiff shall have until March 30, 2012, to file a response to Defendants Motion to Dismiss/Summary Judgment (Dkt. # 169). Signed by Honorable Timothy M. Cain on 3/22/2012.(vmcd) (Entered: 03/22/2012)
03/30/2012	<u>174</u>	Amicus Curiae APPEARANCE entered by Sarah Garland St Onge on behalf of Protection and Advocacy for People with Disabilities Inc, South Carolina Chapter of the National Academy of Elder Law Attorneys, South Carolina Legal Services. (Attachments: # <u>1</u> Exhibit Attachment 1 – Complaint in P&A v. DDSN, # <u>2</u> Exhibit Attachment 2 – DDSN ID/RD Waiver Manual, Chapter 1, What is a Waiver, # <u>3</u> Exhibit Attachment 3 – DDSN ID/RD Waiver Manual, Chapter 10, Personal Care Services, # <u>4</u> Exhibit Attachment 4 – Forkner Interrogatories from Hickey v. Forkner, No. 4:10–2696–TLW–TER, # <u>5</u> Exhibit Attachment 5 – Pashby v. Cansler, No: 5:11–CV–273–BO, 2011 WL 6130819, slip op. (E.D.N.C., Dec. 8, 2011), # <u>6</u> Exhibit Attachment 6 – Buscemi Interrogatories from Hickey v. Forkner, No. 4:10–2696–TLW–TER, # <u>7</u> Exhibit Attachment 7 – Affidavit of Anthony E. Keck, # <u>8</u> Appendix Attachments Index to Brief of Amici Curiae)(St Onge, Sarah) (Entered: 03/30/2012)
03/30/2012	<u>175</u>	RESPONSE in Opposition re <u>169</u> MOTION to Dismiss <i>based on mootness</i> MOTION for Summary Judgment <i>based on mootness</i> Response filed by Peter B, Jimmy Chip E, Michelle M.Reply to Response to Motion due by 4/9/2012 (Attachments: # <u>1</u> Exhibit

		Affidavit of Rob Pruitt dated March 30, 2012, # <u>2</u> Exhibit Affidavit of Lennie Mullis dated March 30, 2012, # <u>3</u> Exhibit Affidavit of Barbara Morgan dated March 30, 2012, # <u>4</u> Exhibit Affidavit of Chip E. dated March 30, 2012, # <u>5</u> Exhibit Affidavit of sister of Chip E. dated March 30, 2012, # <u>6</u> Exhibit Decision of SC ALC in Susan E., Jimmy "Chip" E., Michelle M. and Albert M., # <u>7</u> Exhibit Barbara Hickey v. DHHS, # <u>8</u> Exhibit Affidavit of Carolyn Myers dated March 30, 2012, # <u>9</u> Exhibit First Decision of Hearing Officer in Myers v. DHHS, # <u>10</u> Exhibit Second Decision of Hearing Officer in Myers v. DHHS(Harrison, Patricia) Modified on 4/5/2012 to replace attachments 3, 4, and 5 with corrected documents as provided by filing user (gpre,). (Entered: 03/30/2012)
04/04/2012	<u>176</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>169</u> MOTION to Dismiss <i>based on mootness</i> MOTION for Summary Judgment <i>based on mootness</i> , <u>175</u> Response in Opposition to Motion,, <u>174</u> Amicus Curiae Appearance,, by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 4/23/2012 No proposed order(Woodington, Kenneth) (Entered: 04/04/2012)
04/04/2012	<u>177</u>	NOTICE of Appearance by Philip James Corson on behalf of South Carolina Chapter of the National Academy of Elder Law Attorneys (Corson, Philip) (Main Document 177 replaced on 4/10/2012) (gpre,). Modified on 4/10/2012 to replace document with corrected signature as provided by filing user (gpre,). (Entered: 04/04/2012)
04/05/2012	178	TEXT ORDER granting <u>176</u> Consent Motion for Extension of Time to File Response/Reply. Defendants shall have until April 23, 2012, to file a reply to Plaintiffs' Response in opposition to Defendants' Motion to Dismiss based on mootness and the brief filed by the amici. Signed by Honorable Timothy M. Cain on 4/5/2012.(vmcd) (Entered: 04/05/2012)
04/18/2012	<u>180</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>175</u> Response in Opposition to Motion,,,, (<i>second extension request</i>) by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 5/7/2012 No proposed order(Woodington, Kenneth) (Entered: 04/18/2012)
04/23/2012	<u>181</u>	REPLY to Response to Motion re <u>169</u> MOTION to Dismiss <i>based on mootness</i> MOTION for Summary Judgment <i>based on mootness</i> Response filed by Beverly Buscemi, Kelly Floyd, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) (Entered: 04/23/2012)
04/24/2012	182	TEXT ORDER granting <u>180</u> Consent Motion for Extension of Time to File Response/Reply. The time for filing a reply brief is extended until April 30, 2012. Signed by Honorable Timothy M. Cain on 4/24/2012.(vmcd) (Entered: 04/24/2012)
05/17/2012	<u>183</u>	MOTION for Extension of Time by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 6/4/2012 Proposed order is being emailed to chambers with copy to opposing counsel(Harrison, Patricia) (Entered: 05/17/2012)
05/18/2012	184	TEXT ORDER granting <u>183</u> Consent Motion for Extension of Time. The deadline for mediation is extended until June 15, 2012. The deadline for dispositive motions is extended until July 17, 2012, and the Rule 26(a)(3) disclosures deadline is extended until August 10, 2012. This case remains scheduled for jury selection and trial on, or after, September 10, 2012. Signed by Honorable Timothy M. Cain on 5/18/2012.(vmcd,) (Entered: 05/18/2012)
06/13/2012	<u>185</u>	ORDER granting <u>153</u> Motion for Summary Judgment. Defendants Sanford and Haley are dismissed from this action. Signed by Honorable Timothy M Cain on 6/13/2012.(pbri,) (Entered: 06/13/2012)
06/14/2012	<u>187</u>	NOTICE of Request for Protection from Court Appearance by Patricia L Harrison for June 25,2012–July 10, 2012 Associated Cases: 6:10–cv–00767–TMC, 3:11–cv–01146–TMC, 3:12–cv–00007–TMC, 8:11–cv–02215–TMC(Harrison,

		Patricia) (Entered: 06/14/2012)
06/15/2012	<u>188</u>	Consent MOTION for Extension of Time (<i>mediation and dispositive motion deadlines</i>) by Beverly Buscemi, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 7/2/2012 No proposed order(Woodington, Kenneth) (Entered: 06/15/2012)
06/18/2012	189	TEXT ORDER granting <u>188</u> Joint Motion for Extension of Time. The deadline for mediation is extended to July 16, 2012, and the deadline for dispositive motions shall be August 16, 2012. Signed by Honorable Timothy M. Cain on 6/18/2012.(vmcd) (Entered: 06/18/2012)
06/25/2012	<u>190</u>	MOTION for Reconsideration re <u>185</u> Order on Motion for Summary Judgment by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 7/12/2012 No proposed order(Harrison, Patricia) Modified on 6/29/2012 to replace document with corrected signature as provided by filing user (gpre,). (Entered: 06/25/2012)
06/27/2012	<u>191</u>	MOTION to Amend/Correct by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 7/16/2012 No proposed order(Harrison, Patricia) (Entered: 06/27/2012)
06/27/2012	192	TEXT ORDER granting <u>191</u> Motion to Amend/Correct. Signed by Honorable Timothy M. Cain on 6/27/2012.(vmcd) (Entered: 06/27/2012)
06/27/2012	<u>193</u>	ORDER denying <u>190</u> Motion for Reconsideration re <u>185</u> Order on Motion for Summary Judgment. Plaintiffs have not demonstrated a recent change in the law, newly discovered evidence, or a clear error by this court which merits any alteration or amendment to the prior order. Signed by Honorable Timothy M Cain on 6/27/12.(kmca) (Main Document 193 replaced on 6/27/2012 to correct typo per chambers) (kmca). (Entered: 06/27/2012)
07/13/2012	<u>194</u>	Joint MOTION for Extension of Time (<i>mediation and certain scheduling order deadlines</i>) by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The, Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 7/30/2012 No proposed order(Woodington, Kenneth) Modified on 7/18/2012 to add filers listed on document. (gpre,). (Entered: 07/13/2012)
07/13/2012	195	TEXT ORDER granting <u>194</u> Joint Motion for Extension of Time. The deadline for mediation is extended until August 3, 2012, and the deadline for Rule 26(a)(3) disclosures is extended until September 15, 2012. Furthermore, this case is subject to being called for jury selection after October 1, 2012. Signed by Honorable Timothy M. Cain on 7/13/2012.(vmcd) (Entered: 07/13/2012)
07/27/2012	<u>196</u>	NOTICE OF APPEAL as to <u>193</u> Order on Motion for Reconsideration, by Peter B, Jimmy Chip E, Michelle M. – Filing fee \$ 455, receipt number 0420–4210331. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Harrison, Patricia) (Entered: 07/27/2012)
07/27/2012	<u>197</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>196</u> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (gpre,) (Entered: 07/27/2012)
08/15/2012	<u>199</u>	NOTICE of Request for Protection from Court Appearance by Kenneth Paul Woodington for 8/17/12 – 8/30/12 (Woodington, Kenneth) (Entered: 08/15/2012)
08/16/2012	<u>200</u>	MOTION for Summary Judgment by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 9/4/2012. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit 1, Lacy Affidavit, # <u>3</u> Exhibit 2, Roberts Affidavit)No proposed order.(Woodington, Kenneth) (Entered: 08/16/2012)
08/16/2012	<u>201</u>	MOTION for Summary Judgment by Peter B, Jimmy Chip E. Response to Motion due by 9/4/2012. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit–Declaration of Tod R.

		Reel, MD, # <u>3</u> Exhibit–Statement of Dr. Thomas Collings, # <u>4</u> Exhibit–Statement of William Baker, PhD, # <u>5</u> Exhibit–Statement of Marilyn Whorton, RD, # <u>6</u> Exhibit–Declarations of Lennie Mullis, # <u>7</u> Exhibit–Mullis v. SCDHHS, April 23, 2012, # <u>8</u> Exhibit–Mullis v. SCDHHS, 2005, # <u>9</u> Exhibit–Elledge v. SCDHHS, SC Supreme Cour, # <u>10</u> Exhibit–Elledge v. SCDHHS Amicus Brief of SC Chapter of NAELA, # <u>11</u> Exhibit–Elledge v. SCDHHS, Amicus Brief of SC Legal Services, # <u>12</u> Exhibit–Brown v. SCDHHS, SC Court of Appeals, # <u>13</u> Exhibit–Brown v. SCDHHS, Final Brief of Appellant, # <u>14</u> Exhibit–Brown v. SDDHHS, Reply Brief of Appellant, # <u>15</u> Exhibit–Barbara Hickey v. SCDHHS, # <u>16</u> Exhibit–Affidavit of Beverly Buscemi, Director of SCDDSN, # <u>17</u> Exhibit–D.L.B. v. SCDHHS, # <u>18</u> Exhibit–Protection and Advocacy, et al. v. SCDDSN, # <u>19</u> Exhibit–Declaration of Carolyn Brown, # <u>20</u> Exhibit–Testimony of Janet Priest in consolidated case on Remand to SC DHHS from SC ALC, # <u>21</u> Exhibit–Testimony of Kara Lewis in consolidated case on Remand to SC DHHS from SC ALC, # <u>22</u> Exhibit–MR/RD Waiver application submitted to CMS 2004–2009, # <u>23</u> Exhibit–MR/RD Waiver application submitted to CMS 2010–2015, # <u>24</u> Exhibit–Dec. 27, 2004, letter from Charles Lea Center to Dennis Bolt, Esquire, # <u>25</u> Exhibit–Letter of Feb. 28, 2005, to Carolyn Brown from SCDDSN, # <u>26</u> Exhibit–Affidavit of Lennie Mullis, # <u>27</u> Exhibit–Declaration of Chip E., # <u>28</u> Exhibit–Declaration of Barbara Morgan, # <u>29</u> Exhibit–Respondents brief, SC Court of Appeals, # <u>30</u> Exhibit–Order of the Administrative Law Court)Proposed order is being emailed to chambers with copy to opposing counsel.(Harrison, Patricia) Modified on 8/20/2012 to add descriptions to attachments (gpre,). (Additional attachment(s) added on 8/20/2012: # <u>31</u> List of attachments) (gpre,). (Entered: 08/16/2012)
08/17/2012	<u>202</u>	MOTION to Amend/Correct by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 9/4/2012. No proposed order.(Harrison, Patricia) (Entered: 08/17/2012)
08/21/2012	203	TEXT ORDER granting <u>202</u> Motion to Amend/Correct. Plaintiffs shall have until August 21, 2012, to file an Amended Motion for Summary Judgment. Signed by Honorable Timothy M. Cain on 8/21/2012.(vmcd) (Entered: 08/21/2012)
08/21/2012	<u>207</u>	Amended MOTION for Summary Judgment by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 9/7/2012. (Attachments: # <u>1</u> Memo in Support Amended Memo in support, # <u>2</u> Exhibit 1. declaration of Tod Reel,MD, # <u>3</u> Exhibit 2. statement of Dr. T. Collings, # <u>4</u> Exhibit 3.Statement of W. Baker, PhD, # <u>5</u> Exhibit 4. Statement of M. Whorton, RD, # <u>6</u> Exhibit 5.Declarations of Lennie Mullis, # <u>7</u> Exhibit 6.Mullis v. SCDHHS, 2012, # <u>8</u> Exhibit 7.Mullis v. SCDHHS, 2005, # <u>9</u> Exhibit 8. Elledge v. SCDHHS, S. Court, # <u>10</u> Exhibit 9.Amicus Brief, Elledge v. SCDHHS, # <u>11</u> Exhibit 10. amicus brief, Elledge v. SCDDSN, # <u>12</u> Exhibit Brown v. SCDHHS,Crt of Appeals, # <u>13</u> Exhibit 12. brown v. SCDHHS, Final Brief, # <u>14</u> Exhibit Brown v. SCDHHS, Reply Brief, # <u>15</u> Exhibit 14.Hickey v. SCDHHS, # <u>16</u> Exhibit 15. affidavit of Beverly Buscemi, # <u>17</u> Exhibit 16.D.L.B. v. SCDHHS, # <u>18</u> Exhibit 17.Protection and advocacy, v. SCDDSN, # <u>19</u> Exhibit 18 declaration of Carolyn Brown, # <u>20</u> Exhibit 19. Testimony of Janet Priest, # <u>21</u> Exhibit 20. testimony of Kara Lewis, # <u>22</u> Exhibit 21.MRRD Waiver application, 04–09, # <u>23</u> Exhibit 22. MRRD waiver application, 2010–2015, # <u>24</u> Exhibit 23. letter from Charles Lea Center to Dennis Bolt, Esq., # <u>25</u> Exhibit 24. letter to C. Brown from SCDDSN, # <u>26</u> Exhibit 25. Declaration of L. Mullis, # <u>27</u> Exhibit 26. Declaration of Chip E., # <u>28</u> Exhibit 27. Declaration of Barbara Morgan, # <u>29</u> Exhibit 28, Brown v. DHHS, Resp. Brief, # <u>30</u> Exhibit 29. Order of ALC in Consolidated Case)No proposed order.(Harrison, Patricia) Modified on 8/24/2012 to correct filed date (gpre,). Modified on 8/24/2012 to correct response due date (gpre,). (Entered: 08/23/2012)
08/23/2012	<u>206</u>	MOTION for Extension of Time to File Response/Reply as to <u>201</u> MOTION for Summary Judgment by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 9/10/2012. No proposed order.(Davidson, William) (Entered: 08/23/2012)
08/24/2012	208	TEXT ORDER granting <u>206</u> Consent Motion for Extension of Time to File Responses to Summary Judgement Motions. Defendants shall have until September 18, 2012, in which to file a response to Plaintiffs' Amended Summary Judgment Motion and Plaintiffs shall have also have until September 18, 2012, to file a response to Defendants' Summary Judgment Motion. Signed by Honorable Timothy M. Cain on 8/24/2012.(vmcd,) (Entered: 08/24/2012)

08/24/2012	209	DELETION OF DOCKET ENTRY NUMBER 205 Reason: refiled to correctly attach all exhibits. Corrected Filing Document Number <u>207</u> . Modified filing date to that of original filing: 8/21/2012 Response due date modified to that of original filing: 9/7/2012 (gpre,) (Entered: 08/24/2012)
09/13/2012	<u>212</u>	MOTION for Extension of Time to File Response/Reply as to <u>207</u> Amended MOTION for Summary Judgment (<i>and to defer Rule 26(a)(3) responses</i>) by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 10/1/2012. No proposed order.(Woodington, Kenneth) (Entered: 09/13/2012)
09/13/2012	213	TEXT ORDER granting <u>212</u> Consent Motion for Extension of Time to File Response/Reply. The parties shall have until September 21, 2012, to file responses to the pending motions for summary judgment which were filed by Plaintiffs and Defendants on August 16,2012 (Dkt. # 200 and 201). Further, the deadline to file Rule 26(a)(3) disclosures is stayed pending further order of the court. Signed by Honorable Timothy M. Cain on 9/13/2012.(vmcd,) (Entered: 09/13/2012)
09/21/2012	<u>214</u>	RESPONSE in Opposition re <u>207</u> Amended MOTION for Summary Judgment , <u>201</u> MOTION for Summary Judgment Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 10/1/2012 (Attachments: # <u>1</u> Exhibit 1, Affidavit of Dr. Graeme Johnson)(Woodington, Kenneth) (Entered: 09/21/2012)
09/21/2012	<u>215</u>	RESPONSE in Opposition re <u>200</u> MOTION for Summary Judgment Response filed by Peter B, Jimmy Chip E, Michelle M.Reply to Response to Motion due by 10/1/2012 (Attachments: # <u>1</u> Exhibit Declaration of Melmouth Patterson, MD)(Harrison, Patricia) (Entered: 09/21/2012)
09/28/2012	216	TEXT ORDER Modified on 9/28/2012 to add text. (pbri) Counsel for the parties had an informal telephone conference with the court on September 13, 2012, in an attempt to resolve the issues raised in Defendants Motion to Require Plaintiffs Representatives to Comply with Certain Program Requirements. (Dkt. # 165). The parties have communicated the results of their efforts to the court. The parties have agreed to use Suzanne Yankovich to provide financial management and Plaintiff has agreed to provide any records requested by Yankovich and consent, as needed, for her to obtain any information she needs to protect the health and welfare of Peter B. However, Plaintiff specifically has not agreed to allow Yankovich to meet with Peter B. outside of the presence of his guardian or guardian ad litem or perform any assessment of Peter B. without notice to and the consent of Peters guardian or guardian ad litem. Otherwise, Plaintiff has agreed to cooperate fully in providing records and information necessary to provide administrative oversight which the Defendants require. The Defendants contend that the administrative oversight plan set forth in Dkt. # 165-5 should govern in its entirety and they object [t]o the extent that . . . Plaintiffs counsel contemplates something other or less than provided in this document. At this time, it does not appear to the court that the parties positions are in conflict. The parties have agreed that Yankovich is to provide the necessary oversight and Plaintiff has agreed to fully cooperate with her provided Yankovich does not meet with Peter B. outside of the presence of his guardian or guardian ad litem or perform an assessment without notice and consent from Peter B.s guardian or guardian ad litem. Accordingly, Yankovich is designated to provide the administrative oversight and financial management in regard to Peter B. The parties are to cooperate with each other in scheduling meetings and assessments between Yankovich and Peter B., and the guardian or guardian ad litem is to be present at such meetings and assessments. The guardian or guardian ad litem shall consent as necessary to allow Yankovich access to Peter B's medical or financial records as may be necessary for completion of the assessments and to provide the appropriate administrative oversight which the Defendants require. Based on the foregoing, the court finds Defendants Motion for Compliance (Dkt. # 165) moot . However, should Plaintiffs guardian or guardian ad litem fail to cooperate with Yankovich, Defendants may re-new their motion for compliance and seek appropriate relief, including a modification of the Temporary Injunction Order filed March 7, 2011 (Dkt. # 95). Second modification made to

		correct typographical error 9/28/2012 (pbri,). (Entered: 09/28/2012)
09/28/2012	<u>217</u>	MOTION for Extension of Time by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 10/15/2012. No proposed order.(Harrison, Patricia) (Entered: 09/28/2012)
10/01/2012	218	TEXT ORDER granting <u>217</u> Consent Motion for Extension of Time. The parties shall have until October 11, 2012, to file replies to the responses to the pending summary judgment motions. Signed by Honorable Timothy M. Cain on 10/1/2012.(vmcd) (Entered: 10/01/2012)
10/11/2012	<u>219</u>	REPLY to Response to Motion re <u>200</u> MOTION for Summary Judgment Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Exhibit Affidavit of Kathi Lacy)(Woodington, Kenneth) (Entered: 10/11/2012)
10/11/2012	<u>220</u>	RESPONSE in Support re <u>201</u> MOTION for Summary Judgment Response filed by Peter B, Jimmy Chip E, Michelle M. (Attachments: # <u>1</u> Exhibit 1–October 10, 2012, Plan of care of Peter, # <u>2</u> Exhibit 1A–Am Diabetes Assoc Standards of Medical Care in Diabetes, 2012, # <u>3</u> Exhibit 1B–Medical Guidelines for Clinical Practice for Developing a Diabetes Mellitus Comprehensive Care Plan, # <u>4</u> Exhibit 1C–William M Baker PhD, # <u>5</u> Exhibit 1D–Tod M Reel MD, # <u>6</u> Exhibit 1E–Luther A Diehl PhD, # <u>7</u> Exhibit 1F–Legal Agreement with The Charles Lea Center, # <u>8</u> Exhibit 2–Declaration of Guardian of Peter B, # <u>9</u> Exhibit 3–Declaration of Barbara M, # <u>10</u> Exhibit 4–Declaration of Brook Waddle, # <u>11</u> Exhibit 5–Letter to Vastine Crouch, # <u>12</u> Exhibit 6–Declaration of Sandra Ray, # <u>13</u> Exhibit 7–FY 2010 Report of Comptroller General of South Carolina)(Harrison, Patricia) Modified on 10/16/2012 to add descriptions to attachments (gpre,). (Additional attachment(s) added on 10/16/2012: # <u>14</u> Exhibit List) (gpre,). (Entered: 10/12/2012)
10/12/2012	221	TEXT ORDER. During an informal telephone conference with counsel on September 13, 2012, counsel represented to the court that another mediation may be beneficial in this action. Accordingly, a mediation in this action is to be completed prior to December 17, 2012. In conducting this mediation, the parties are to follow the requirements set forth in the court's prior order regarding mediation. (Dkt. # 135). Signed by Honorable Timothy M. Cain on 10/12/2012. (vmcd) (Entered: 10/12/2012)
10/25/2012	<u>224</u>	USCA MANDATE and ORDER as to <u>196</u> Notice of Appeal, filed by Michelle M, Jimmy Chip E, Peter B dismissing the appeal. (Attachments: # <u>1</u> 4CCA Order)(gpre,) (Entered: 10/25/2012)
10/29/2012	<u>225</u>	MOTION to Amend/Correct 216 Order on Motion for Miscellaneous Relief,,,,,,,,, by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 11/16/2012. (Attachments: # <u>1</u> Exhibit Provider list)No proposed order.(Woodington, Kenneth) (Entered: 10/29/2012)
11/16/2012	<u>226</u>	REPLY to Response to Motion re <u>225</u> MOTION to Amend/Correct 216 Order on Motion for Miscellaneous Relief,,,,,,,,, Response filed by Peter B. (Attachments: # <u>1</u> Exhibit Testimony of Janet Brock Priest in Consolidated case on Remand to HHS from SC ALC)(Harrison, Patricia) (Entered: 11/16/2012)
11/26/2012	<u>227</u>	REPLY to Response to Motion re <u>225</u> MOTION to Amend/Correct 216 Order on Motion for Miscellaneous Relief,,,,,,,,, Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) (Entered: 11/26/2012)
11/28/2012	<u>228</u>	ORDER granting <u>225</u> Motion to Amend Text Order, so as to clarify the designation of the service provider in the Order. Accordingly the Order of September 28, 2012 (docket #216) is modified to provide as follows: Signed by Honorable Timothy M Cain on 11/28/2012.(gpre,) (Entered: 11/28/2012)

02/13/2013	<u>229</u>	TEXT ORDER. The parties are to file a joint informal status report about the outcome of the administrative hearing which was originally scheduled to begin November 13, 2012, in regard to Plaintiff Peter B. by February 20, 2013. Signed by Honorable Timothy M. Cain on 2/13/2013. (vmcd) (Entered: 02/13/2013)
02/20/2013	<u>230</u>	STATUS REPORT (<i>Joint</i>) by Peter B, Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) (Entered: 02/20/2013)
03/07/2013	<u>231</u>	ORDER denying as moot <u>169</u> Motion to Dismiss and/or for Motion for Summary Judgment; granting in part and denying in part <u>200</u> Motion for Summary Judgment; denying <u>207</u> Motion for Summary Judgment. Plaintiffs Chip E. and Michelle M. are dismissed. Further, this action is stayed pending the resolution of the state proceedings. Signed by Honorable Timothy M Cain on 3/7/2013.(gpre,) (Entered: 03/07/2013)
03/20/2013	<u>233</u>	NOTICE of Request for Protection from Court Appearance by Patricia L Harrison for April 10, 2013 to April 22, 2013 (Harrison, Patricia) (Entered: 03/20/2013)
04/02/2013	<u>234</u>	NOTICE OF APPEAL as to <u>231</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment,,,,, by Jimmy Chip E, Michelle M. – Filing fee \$ 455, receipt number 0420-4644812. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Harrison, Patricia) (Entered: 04/02/2013)
04/03/2013	<u>235</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>234</u> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (gpre,) (Entered: 04/03/2013)
05/06/2013	<u>237</u>	NOTICE of Request for Protection from Court Appearance by Kenneth Paul Woodington for May 16-17, June 10-21 (Woodington, Kenneth) (Entered: 05/06/2013)
06/27/2013	<u>238</u>	NOTICE of Request for Protection from Court Appearance by Patricia L Harrison for July 8, 2013 through July 17, 2013 (Harrison, Patricia) (Entered: 06/27/2013)
08/20/2013	<u>239</u>	ORDER of USCA as to <u>234</u> Notice of Appeal, filed by Michelle M, Jimmy Chip E. granting motion to dismiss Appeal. Judgement shall take effect upon issuance of 4CCA mandate. (Attachments: # <u>1</u> Judgment)(gpre,) (Entered: 08/20/2013)
09/11/2013	<u>240</u>	USCA MANDATE and JUDGMENT as to <u>234</u> Notice of Appeal, filed by Michelle M, Jimmy Chip E. Appeal is dismissed. (Attachments: # <u>1</u> Judgment)(gpre,) (Entered: 09/11/2013)
09/27/2013	<u>241</u>	STATUS REPORT (<i>Second joint informal</i>) by Peter B, Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Exhibit DHHS order and notice of appeal)(Woodington, Kenneth) Modified on 9/30/2013 to add filer listed on document (gpre,). (Entered: 09/27/2013)
10/21/2013	<u>242</u>	NOTICE of Request for Protection from Court Appearance by Patricia L Harrison for October 28 – November 8, 2013 (Harrison, Patricia). Modified on 10/30/2013 to replace corrected document as provided by filing user(gpre,). (Entered: 10/21/2013)
12/02/2013	<u>244</u>	NOTICE of Request for Protection from Court Appearance by Patricia L Harrison for December 18 – 28, 2013 (Harrison, Patricia) (Entered: 12/02/2013)
05/02/2014	<u>245</u>	NOTICE of Request for Protection from Court Appearance by Kenneth Paul Woodington for June 16 through June 20, 2014 and August 1 through August 15, 2014. (Woodington, Kenneth) (Entered: 05/02/2014)
05/19/2014	<u>247</u>	STATUS REPORT by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Exhibit Exhibit 1, February 2014 ALC order, # <u>2</u> Exhibit Exhibit 2, April 28, 2014, Court of Appeals order)(Woodington, Kenneth) (Entered: 05/19/2014)

05/20/2014	248	TEXT ORDER. On May 19, 2014, at the request of the court, Defendants filed an informal status report. (ECF No. 247). Defendants state that in the state action currently pending before the South Carolina Court of Appeals, Plaintiff Peter B.'s counsel filed a motion to be relieved as counsel which was granted on April 28, 2014. Plaintiff is ordered to file an informal status report by May 23, 2014, and it is to include her status as Peter B.'s counsel in this action. Signed by Honorable Timothy M. Cain on 5/20/2014. (vmcd,) (Entered: 05/20/2014)
05/23/2014	<u>250</u>	STATUS REPORT of <i>Plaintiffs</i> by Peter B. (Attachments: # <u>1</u> Exhibit Transcript of September 4, 2013 Oral Arguments at SC Administrative Law Court, # <u>2</u> Exhibit Affidavit of Carolyn Brown dated September 3, 2014, # <u>3</u> Exhibit 2009 Cost of MR/RD Medicaid Waiver, # <u>4</u> Exhibit 2010 Cost of MR/RD Medicaid Waiver)(Harrison, Patricia). Modified on 5/27/2014 to replace unsigned document with signed document as provided by filing user. (gpre,). (Entered: 05/23/2014)
05/27/2014	<u>251</u>	MOTION to Amend/Correct <u>250</u> Status Report, by Peter B, Jimmy Chip E. Response to Motion due by 6/13/2014. (Attachments: # <u>1</u> Exhibit Corrected Status Report, # <u>2</u> Exhibit Transcript of Brown Hearing at ALC 4Sep13, # <u>3</u> Exhibit Declaration of Carolyn Brown 4Sep13, # <u>4</u> Exhibit 2009 Cost of MR/RD Medicaid Waiver (2008 Ltr), # <u>5</u> Exhibit 2010 Cost of MR/RD Medicaid Waiver (2009 Ltr))No proposed order.(Harrison, Patricia) (Entered: 05/27/2014)
05/27/2014	252	TEXT ORDER. Plaintiffs' counsel was ordered to file a status report which included her status as Plaintiff Peter B.'s counsel in this action. (ECF No. 248). The proposed corrected status report does not include any such discussion. (ECF No. 251-1). Therefore, counsel is ordered to file an additional status report, not to exceed two pages, solely addressing her continued representation of Plaintiffs in this action by 5pm today. Signed by Honorable Timothy M. Cain on 5/27/2014. (vmcd) (Entered: 05/27/2014)
05/27/2014	<u>253</u>	STATUS REPORT <i>Second Status Report of Plaintiffs</i> by Peter B. (Attachments: # <u>1</u> Exhibit SCDHHS Ruling on Enforcement of Fourth Circuit Order 28Apr14, # <u>2</u> Exhibit Motion to Enforce Fourth Circuit Order 4Apr14, # <u>3</u> Exhibit Declaration of Carolyn Brown 4Sep14)(Harrison, Patricia). Modified on 5/28/2014 to replace corrected document as provided by filing user (gpre,). (Entered: 05/27/2014)
06/13/2014	<u>255</u>	REPLY by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The to <u>253</u> Status Report, <u>250</u> Status Report, . (Woodington, Kenneth) (Entered: 06/13/2014)
07/01/2014	<u>256</u>	MOTION to Dismiss (<i>mootness</i>) by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 7/18/2014. (Attachments: # <u>1</u> Memo in Support)No proposed order.(Woodington, Kenneth) (Entered: 07/01/2014)
07/01/2014	<u>257</u>	NOTICE of Hearing: Attorney Representation Hearing set for 7/10/2014 10:30 AM in G Ross Anderson Jr Court House, 315 S McDuffie St, Anderson before Honorable Timothy M Cain. This hearing is scheduled for the limited purpose for the court to resolve the issues on the representation of Peter B. No other issues will be addressed at this time.All counsel of record for plaintiff must attend. Plaintiffs counsel is to provide Peter B., and his guardian, Carolyn Brown, notice of this hearing and file a certificate of service of notice with the court. (pbri,) (Entered: 07/01/2014)
07/01/2014	<u>258</u>	CERTIFICATE OF SERVICE by Peter B, Jimmy Chip E, Michelle M re <u>257</u> Notice of Hearing. (Attachments: # <u>1</u> Exhibit <u>257</u> Hearing Notice)(kmca) Document re-filed by clerk to correct event type (kmca) (Entered: 07/02/2014)
07/10/2014	259	Minute Entry. Proceedings held before Honorable Timothy M Cain: Status Conference held on 7/10/2014. Plaintiffs shall file a document within 15 days stating succinctly who they represent, and their retainer agreements, or notify the court no such document exists. In addition, all 3 counsel shall review all filings. Patricia Harrison and Kenneth Anthony say they represent the guardian ad litem, Sandra Kerr Ray. Kenneth Woodington shall submit fees and costs for the issue of representation including this hearing within 30 days. Court Reporter Karen Martin. (pbri,) (Entered: 07/10/2014)

07/10/2014	<u>260</u>	COURT EXHIBIT 1. (pbri,) (Entered: 07/10/2014)
07/10/2014	262	TEXT ORDER. As a result of the hearing held on July 10, 2014, the court enters the following Order. Within 15 days, Plaintiff's counsel and the Guardian ad Litem shall file: 1) a declaration setting forth their representation in this case which is responsive to the court's previous orders (ECF Nos. 248 and 252); and 2) copies of any and all retainer agreements, employment agreements, engagement letters or other documents pertaining to this litigation. If these documents contain privileged information or information not subject to disclosure, counsel shall file appropriately redacted copies along with an un-redacted copies under seal. Additionally, all of Plaintiff's future motions, pleadings, or other papers filed with the court shall contain the electronic signatures of all counsel of record and the Guardian ad Litem. Within 30 days Defendants' counsel shall file an affidavit or declaration setting forth the attorneys fees and costs incurred by the Defendants in regard to this hearing. Finally, a copy of all future pleadings and motions filed in this case shall be provided to Ms. Carolyn Brown by the person filing the document. Signed by Honorable Timothy M. Cain on 7/10/2014. (vmcd) (Entered: 07/10/2014)
07/19/2014	<u>264</u>	RESPONSE in Opposition re <u>256</u> MOTION to Dismiss (<i>mootness</i>) <i>Response to Motion to Dismiss</i> Response filed by Peter B.Reply to Response to Motion due by 7/31/2014 (Attachments: # <u>1</u> Exhibit Affidavit of GAL)(Harrison, Patricia) (Entered: 07/19/2014)
07/21/2014	<u>265</u>	MOTION for Extension of Time to File Response/Reply as to <u>264</u> Response in Opposition to Motion <i>to Dismiss</i> by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 8/7/2014. No proposed order.(Harrison, Patricia) (Entered: 07/21/2014)
07/22/2014	266	TEXT ORDER granting <u>265</u> Motion for Extension of Time to File Response/Reply. Signed by Honorable Timothy M. Cain on July 22, 2014.(jeca,) (Entered: 07/22/2014)
07/22/2014	<u>267</u>	AFFIDAVIT of Kenneth P. Woodington re 262 Order,,,,, (<i>fees and costs</i>) by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) (Entered: 07/22/2014)
07/22/2014	<u>269</u>	CERTIFICATE OF SERVICE by Peter B, Jimmy Chip E, Michelle M re 266 Order on Motion for Extension of Time to File Response/Reply, <u>265</u> MOTION for Extension of Time to File Response/Reply as to <u>264</u> Response in Opposition to Motion <i>to Dismiss</i> , <u>264</u> Response in Opposition to Motion (Harrison, Patricia). # <u>1</u> Certificate of Service) (gpre,). Modified on 7/24/2014 to replace correctly signed main document as provided by filing user. (gpre,). (Entered: 07/22/2014)
07/22/2014	<u>270</u>	CERTIFICATE OF SERVICE by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The re <u>267</u> Affidavit. Rerefiled by clerk to correct event type. (gpre,) (Entered: 07/24/2014)
07/24/2014	271	DELETION OF DOCKET ENTRY NUMBER 268 Reason: Incorrect signature, incorrect event. Corrected Filing Document Number <u>270</u> Modified filing date to that of original filing: 7/22/2014 (gpre,) (Entered: 07/24/2014)
07/24/2014	<u>272</u>	DECLARATION by Peter Bre 262 Order,,,,, <i>Response to Order re Representation 262</i> . (Attachments: # <u>1</u> Exhibit Petition of Carolyn Brown requesting appointment of Sandra Ray as Guardian Ad Litem, # <u>2</u> Exhibit Affidavit of Guardian Ad Litem Sandra K. Ray, PhD)(Harrison, Patricia) (Entered: 07/24/2014)
07/29/2014	<u>273</u>	Consent MOTION for Extension of Time by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 8/15/2014. No proposed order.(Woodington, Kenneth) (Entered: 07/29/2014)
07/29/2014	275	TEXT ORDER granting <u>273</u> Motion for Extension of Time to reply to plaintiffs' response to defendants' motion to dismiss on mootness grounds. Reply due August 22, 2014. Signed by Honorable Timothy M Cain on 7/29/2014.(gpre,) (Entered: 07/29/2014)

08/15/2014	<u>276</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings. Status Conference held on 7/10/14, before Judge Timothy M. Cain. Court Reporter Karen E. Martin, Telephone number/E-mail 864.201.8411, Karen_E_Martin@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained from the court reporter or through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 9/5/2014. Redacted Transcript Deadline set for 9/15/2014. Release of Transcript Restriction set for 11/13/2014. (kmartin) (Entered: 08/15/2014)
08/22/2014	<u>277</u>	REPLY to Response to Motion re <u>256</u> MOTION to Dismiss (<i>mootness</i>) Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Attachments: # <u>1</u> Exhibit Bernard Affidavit, # <u>2</u> Exhibit Orner Affidavit)(Woodington, Kenneth) (Entered: 08/22/2014)
08/22/2014	<u>278</u>	CERTIFICATE OF SERVICE by Beverly Buscemi, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The re <u>277</u> Reply to Response to Motion, (Woodington, Kenneth) (Entered: 08/22/2014)
08/22/2014	<u>279</u>	NOTICE of Intent to Request Redaction by Patricia L Harrison re <u>276</u> Transcript,, (Harrison, Patricia) (Entered: 08/22/2014)
09/05/2014	<u>280</u>	MOTION to Redact <u>276</u> Transcript,, by Peter B, Jimmy Chip E. Response to Motion due by 9/22/2014. (Attachments: # <u>1</u> Exhibit Declaration of Sandra K. Ray, Sep. 5, 2014)No proposed order.(Harrison, Patricia) (Entered: 09/05/2014)
09/07/2014	<u>281</u>	DECLARATION by Peter B, Jimmy Chip Ere <u>280</u> MOTION to Redact <u>276</u> Transcript,, <i>Declaration of Sandra Kerr Ray</i> . (Harrison, Patricia)# <u>1</u> Declaration of Sandra Kerr Ray) (gpre,). Modified on 9/9/2014 to replace main document with correct signature as provided by filing user (gpre,). (Entered: 09/07/2014)
09/08/2014	<u>282</u>	CERTIFICATE OF SERVICE by Peter B, Jimmy Chip E to <i>Carolyn B. Brown</i> (Harrison, Patricia) Modified on 9/10/2014 to replace corrected document as provided by filing user (gpre,). (Entered: 09/08/2014)
09/09/2014	<u>283</u>	REPLY by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The to <u>281</u> Declaration of Sandra Ray. (Woodington, Kenneth) (Entered: 09/09/2014)
09/09/2014	<u>284</u>	RESPONSE in Opposition re <u>280</u> MOTION to Redact <u>276</u> Transcript,, Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 9/19/2014 (Woodington, Kenneth) (Entered: 09/09/2014)
09/09/2014	<u>285</u>	CERTIFICATE OF SERVICE by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The re <u>280</u> MOTION to Redact <u>276</u> Transcript,, , <u>281</u> Declaration (Woodington, Kenneth) (Entered: 09/09/2014)
09/19/2014	<u>286</u>	MOTION to Withdraw <u>284</u> Response in Opposition to Motion, <i>Motion to Withdraw and to Bifurcate the Claims of Chip E. from the Claims of Peter B.</i> by Peter B, Jimmy Chip E. Response to Motion due by 10/6/2014. (Attachments: # <u>1</u> Exhibit Affidavit of Patricia Logan Harrison, # <u>2</u> Exhibit Letter from Carolyn Brown to Patricia Harrison dated September 18, 2014)No proposed order.(Harrison, Patricia) (Entered: 09/19/2014)
09/20/2014	<u>287</u>	CERTIFICATE OF SERVICE by Peter B, Jimmy Chip E re <u>286</u> MOTION to Withdraw <u>284</u> Response in Opposition to Motion, <i>Motion to Withdraw and to Bifurcate the Claims of Chip E. from the Claims of Peter B.</i> <u>286</u> Mailed to Carolyn B. Brown (Harrison, Patricia) (Entered: 09/20/2014)

09/22/2014	<u>288</u>	NOTICE of Request for Protection from Court Appearance by Patricia L Harrison for 9/30/14 – 10/6/14 (Harrison, Patricia) (Entered: 09/22/2014)
09/22/2014	<u>290</u>	Letter from Carolyn Brown regarding responding to motions filed in recent days. Letter was mailed to Judge Cain in Anderson. Clerk spoke to Mrs. Brown and informed her that anything she wants filed must be sent to the Clerk's Office in Greenville. (gpre,) (Entered: 09/23/2014)
09/23/2014	<u>289</u>	CERTIFICATE OF SERVICE by Peter B, Jimmy Chip E <i>Mailing of 288 to Carolyn B. Brown</i> (Harrison, Patricia) (Entered: 09/23/2014)
09/29/2014	<u>291</u>	RESPONSE in Support re <u>286</u> MOTION to Withdraw <u>284</u> Response in Opposition to Motion, <i>Motion to Withdraw and to Bifurcate the Claims of Chip E. from the Claims of Peter B.</i> Response filed by Carolyn Bearden Brown. (Attachments: # <u>1</u> Affidavit of Charles K. Brown Jr., # <u>2</u> Exhibit 1 – Plan of Service, # <u>3</u> Exhibit 2 – Transcript page 38, # <u>4</u> Exhibit 3 – News Tag 5/18/12, # <u>5</u> Exhibit 4 – Email from Attorney Harrison, # <u>6</u> Exhibit 5 – Attorney Woodington's Response to Motion, # <u>7</u> Exhibit 6 – Plaintiff's Response to Motion to Dismiss, # <u>8</u> Certificate of Service, # <u>9</u> Envelope)(gpre,) (Entered: 09/30/2014)
09/29/2014	<u>292</u>	RESPONSE in Opposition re <u>280</u> MOTION to Redact <u>276</u> Transcript,, Response filed by Carolyn Bearden Brown.Reply to Response to Motion due by 10/9/2014 (Attachments: # <u>1</u> Envelope)(gpre,) (Entered: 09/30/2014)
10/06/2014	<u>293</u>	RESPONSE to Motion re <u>286</u> MOTION to Withdraw <u>284</u> Response in Opposition to Motion, <i>Motion to Withdraw and to Bifurcate the Claims of Chip E. from the Claims of Peter B.</i> Response filed by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The.Reply to Response to Motion due by 10/17/2014 (Woodington, Kenneth) (Entered: 10/06/2014)
10/06/2014	<u>294</u>	CERTIFICATE OF SERVICE by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The re <u>293</u> Response to Motion, (Woodington, Kenneth) (Entered: 10/06/2014)
10/16/2014	<u>296</u>	REPLY INCLUDING VIOLATIONS OF JUDGE CHILDS' ORDER TO DEFENDANTS' MOTON TO DISMISS, to Response to Motion re <u>286</u> MOTION to Withdraw <u>284</u> Response in Opposition to Motion, <i>Motion to Withdraw and to Bifurcate the Claims of Chip E. from the Claims of Peter B.</i> Response filed by Carolyn Bearden Brown. (Attachments: # <u>1</u> Exhibit 1–Envelope to Ms. Brown, # <u>2</u> Exhibit 2–Letter from physician, # <u>3</u> Exhibit–Response to Atty Harrison, # <u>4</u> Exhibits 4,5,6 on file in this case, # <u>5</u> Exhibit 7–Correspondence, # <u>6</u> Exhibit 8–SC Court of Appeals Order, # <u>7</u> Certificates of Service, # <u>8</u> Envelope)(gpre,) Additional attachment <u>298</u> added on 10/27/2014 (gpre,). (Entered: 10/16/2014)
10/21/2014	297	TEXT ORDER granting <u>251</u> Motion to Amend/Correct Status Report. Signed by Honorable Timothy M. Cain on 10/21/2014.(vmcd,) (Entered: 10/21/2014)
10/27/2014	<u>298</u>	Additional Attachments to Main Document <u>296</u> Reply to Response to Motion. First attachment description: William M. Baker Ph.D Evaluation. (Attachments: # <u>1</u> Evaluation, # <u>2</u> Envelope)(gpre,) (Entered: 10/27/2014)
10/31/2014	<u>299</u>	MOTION File response to guardian's filings re <u>256</u> MOTION to Dismiss (<i>mootness</i>) by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 11/17/2014. (Attachments: # <u>1</u> Certificate of Service)No proposed order.(Woodington, Kenneth) (Entered: 10/31/2014)
11/24/2014	300	TEXT ORDER denying <u>299</u> Motion. At this time, the court does not believe it is necessary for Defendants to file any response. Signed by Honorable Timothy M. Cain on 11/24/2014.(vmcd) (Entered: 11/24/2014)
11/25/2014	301	***DOCUMENT MAILED 300 Order on Motion for Miscellaneous Relief placed in U.S. Mail to Carolyn Brown (gpre,) (Entered: 11/25/2014)

12/10/2014	<u>302</u>	ORDER granting <u>256</u> Motion to Dismiss; denying <u>280</u> Motion to Redact <u>276</u> Transcript; granting in part and denying in part <u>286</u> Motion to Withdraw. Attorney Patricia Harrison is terminated as to Peter B. Plaintiffs Motion to Bifurcate <u>286</u> is denied as it is now moot. The court specifically advises Brown that she cannot represent Plaintiff in this or any future litigation. Signed by Honorable Timothy M Cain on 12/10/2014.(gpre,) (Entered: 12/10/2014)
12/10/2014	<u>303</u>	JUDGMENT that case is dismissed. (gpre,) (Entered: 12/10/2014)
12/10/2014	304	***DOCUMENT MAILED <u>303</u> Judgment, <u>302</u> Order on Motion to Dismiss, Order on Motion to Redact Transcript, Order on Motion to Withdraw,,, placed in U.S. Mail to Carolyn Brown (gpre,) (Entered: 12/10/2014)
12/17/2014	306	***DOCUMENT MAILED <u>303</u> Judgment, <u>302</u> Order on Motion to Dismiss, Order on Motion to Redact Transcript, Order on Motion to Withdraw, placed in U.S. Mail to Carolyn Brown. (gpre,) (Entered: 12/17/2014)
12/29/2014	<u>307</u>	Mail Returned as Undeliverable. Addressee: Carolyn Brown. Document Returned: <u>303</u> Judgment, <u>302</u> Order on Motion to Dismiss, to Redact Transcript, to Withdraw, mailed on December 17, 2014. (gpre,) Modified on 12/29/2014to edit text (gpre,). (Entered: 12/29/2014)
12/29/2014	<u>308</u>	Mail Returned as Undeliverable. Addressee: Carolyn Brown. Document Returned: <u>303</u> Judgment, <u>302</u> Order on Motion to Dismiss, to Redact Transcript, to Withdraw, mailed December 10, 2014. (gpre,) (Entered: 12/29/2014)
12/29/2014	309	ADDRESS CORRECTED***DOCUMENTS MAILED <u>303</u> Judgment, <u>302</u> Order on Motion to Dismiss, to Redact Transcript, to Withdraw, placed in U.S. Mail to Carolyn Brown. (gpre,) (Entered: 12/29/2014)
01/08/2015	<u>310</u>	NOTICE OF APPEAL as to <u>303</u> Judgment, <u>193</u> Order on Motion for Reconsideration, <u>93</u> Order Ruling on Report and Recommendation,, <u>231</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment,,,,, <u>185</u> Order on Motion for Summary Judgment, <u>302</u> Order on Motion to Dismiss, Order on Motion to Redact Transcript, Order on Motion to Withdraw,,, by Jimmy Chip E. – The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Harrison, Patricia) (Entered: 01/08/2015)
01/08/2015	<u>311</u>	MOTION for Leave to Proceed in forma pauperis (Restricted Access) by Jimmy Chip E. Response to Motion due by 1/26/2015. # <u>1</u> Application to Proceed IFP). No proposed order. (Harrison, Patricia). Modified on 1/30/2015 to replace correct main document as provided by filing user (gpre,). (Entered: 01/08/2015)
01/08/2015	<u>312</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>310</u> Notice of Appeal,, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (gpre,) (Entered: 01/08/2015)
02/02/2015	316	TEXT ORDER denying <u>311</u> Motion for Leave to Proceed in forma pauperis. Plaintiff has filed a motion to proceed in forma pauperis on appeal. Federal Rules of Appellate Procedure 24 (a) provides that a party may file such a motion with the district court and "must attach an affidavit that: A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; B) claims an entitlement to redress; and C) states the issues that the party intends to present on appeal." Fed.R.App.P. 24 (a)(1). Plaintiff has not attached the proper affidavit which prevents this court from making the necessary determinations. Accordingly, Plaintiff's motion is denied with leave to refile. Signed by Honorable Timothy M Cain on 2/2/2015.(vmcd,) (Entered: 02/02/2015)
02/04/2015	<u>319</u>	MOTION for Leave to Proceed in forma pauperis (Restricted Access) by Jimmy Chip E. Response to Motion due by 2/23/2015. (Attachments: # <u>1</u> Exhibit Form AO 240, # <u>2</u> Exhibit Affidavit of Jimmy "Chip" E)No proposed order.(Harrison, Patricia) Modified on 2/6/2015 to correct date filed (gpre,). (Entered: 02/05/2015)
02/06/2015	320	DELETION OF DOCKET ENTRY NUMBER 317 Reason: Declaration correctly refiled as an attachment to a motion. Corrected Filing Document Number <u>319</u> Modified filing date to that of original filing: 2/4/2015. (gpre,) (Entered: 02/06/2015)

02/09/2015	<u>321</u>	ORDER re <u>319</u> MOTION for Leave to Proceed in forma pauperis (Restricted Access) filed by Jimmy Chip E. Plaintiff shall have ten days from the date of this Order to supplement the Motion by filing a completed and executed affidavit in proper form which sets forth the issues Plaintiff intends to present on appeal. Failure to comply with the requirements of Fed. R. App. P. 24 and this Order may be deemed a waiver of the request to proceed in forma pauperis and result in the denial of the Motion. IT IS SO ORDERED. Signed by Honorable Timothy M Cain on 2/9/15. (alew,) (Entered: 02/09/2015)
02/16/2015	<u>323</u>	MOTION for Leave to Proceed in forma pauperis (Restricted Access) by Jimmy Chip E. Response to Motion due by 3/5/2015. (Attachments: # <u>1</u> Exhibit Application to Appeal In Forma Pauperis, # <u>2</u> Exhibit Affidavit of Jimmy "Chip" E 4Feb15)No proposed order.(Harrison, Patricia) (Entered: 02/16/2015)
02/17/2015	324	TEXT ORDER granting <u>323</u> Motion for Leave to Proceed in forma pauperis.Signed by Honorable Timothy M. Cain on 2/17/2015.(vmcd) (Entered: 02/17/2015)
04/29/2016	<u>327</u>	USCA OPINION for <u>310</u> Notice of Appeal, filed by Jimmy Chip E. Decision of Appeals Court Affirmed Decision of District Court. (kmca) (Entered: 04/29/2016)
09/15/2016	<u>330</u>	USCA MANDATE and Judgment as to <u>310</u> Notice of Appeal, filed by Jimmy Chip E. (Attachments: # <u>1</u> Judgment)(kmca) (Entered: 09/15/2016)
02/13/2017	<u>331</u>	Appeal Remark re <u>310</u> Notice of Appeal: A petition for a writ of certiorari re 4CCA #15-1039 was filed on 12/6/16 and placed on the docket 2/10/17 as No. 16-7907. (kmca) (Entered: 02/13/2017)
04/24/2017	<u>332</u>	Appeal Remark from Supreme Court of the United States re <u>310</u> Notice of Appeal: the petition for a writ of certiorari is denied. (kmca) (Entered: 04/24/2017)
05/01/2017	<u>333</u>	MOTION for Attorney Fees <i>and GAL fees</i> filed by GAL for Michelle M. and Peter B. and by Chip E., MOTION for Hearing by Peter B, Jimmy Chip E, Michelle M. Response to Motion due by 5/15/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit Declaration of Patricia Logan Harrison, # <u>2</u> Exhibit Affidavit of Attorney Lynn Carman, # <u>3</u> Exhibit Declaration of GAL, # <u>4</u> Exhibit Affidavit of Attorney Franchelle Millender, # <u>5</u> Exhibit Declaration of Attorney Richard Harpootlian, # <u>6</u> Exhibit Affidavit of Attorney Nancy McCormick, # <u>7</u> Exhibit Affidavit of Attorney David Summer, # <u>8</u> Exhibit Affidavit of Attorney Sarah St. Onge)No proposed order.(Harrison, Patricia). Added MOTION for Hearing on 5/2/2017: to add additional relief listed on document (kmca). (Entered: 05/01/2017)
05/04/2017	<u>334</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>333</u> MOTION for Attorney Fees <i>and GAL fees</i> filed by GAL for Michelle M. and Peter B. and by Chip E. MOTION for Hearing by Beverly Buscemi, Kelly Floyd, Richard Huntress, Anthony Keck, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 5/18/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Davidson, William) Modified on 5/4/2017: to add "consent" (kmca). (Entered: 05/04/2017)
05/04/2017	335	TEXT ORDER granting <u>334</u> Motion for Extension of Time to File Response/Reply re <u>333</u> MOTION for Attorney Fees <i>and GAL fees</i> filed by GAL for Michelle M. and Peter B. and by Chip E., MOTION for Hearing. (Response to <u>333</u> Motion due by 6/14/2017.) Entered at the direction of the Honorable Timothy M Cain on 5/4/17.(kmca) (Entered: 05/04/2017)
06/01/2017	<u>336</u>	MOTION to Strike <i>or</i> MOTION to Dismiss Plaintiffs' <u>333</u> MOTION for Attorney Fees <i>and GAL fees</i> filed by GAL for Michelle M. and Peter B. and by Chip E., MOTION for Hearing. Filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 6/15/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support)No proposed order.(Woodington, Kenneth). Added MOTION to Dismiss on 6/2/2017: to include additional motion relief listed on document (kmca). (Entered: 06/01/2017)

06/01/2017	<u>337</u>	MOTION to Stay re <u>333</u> MOTION for Attorney Fees, MOTION for Hearing by Beverly Buscemi, Kelly Floyd, Emma Forkner, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. Response to Motion due by 6/15/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Woodington, Kenneth) Modified on 6/2/2017: to correct linkage as reflected on document (kmca). (Entered: 06/01/2017)
06/08/2017	<u>338</u>	TEXT ORDER. Plaintiff has filed <u>333</u> motion for attorney fees and Guardian ad Litem fees. The court granted <u>335</u> consent motion extending the deadline for filing a response to June 14, 2017. Defendants thereafter filed <u>336</u> motion to strike Plaintiff's motion to dismiss which asserts that as a threshold matter, the Plaintiff's <u>333</u> motion is untimely and therefore barred. Defendants also filed <u>337</u> motion to stay the deadline to fully respond to the Plaintiff's motion for fees pending a ruling on the motion to strike. Responses to these motions are due by June 15, 2017. The <u>337</u> motion to stay is granted in part, such that the deadline for filing a full response to the <u>333</u> motion for fees shall be stayed pending the filing of responses by the Plaintiff and further order of the court. By entry of this order, the court expresses no opinion as to the merits of the motion for fees or the motion to dismiss. Entered at the direction of the Honorable Timothy M Cain on 6/8/17.(kmca,) (Entered: 06/08/2017)
06/14/2017	<u>339</u>	First MOTION for Extension of Time to File Response/Reply as to <u>336</u> MOTION to Strike <u>333</u> MOTION for Attorney Fees <i>and GAL fees filed by GAL for Michelle M. and Peter B. and by Chip E.</i> MOTION for Hearing MOTION to Dismiss by Jimmy Chip E, Michelle M. Response to Motion due by 6/28/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Harrison, Patricia) Modified on 6/14/2017 to edit text (alew,). (Entered: 06/14/2017)
06/14/2017	<u>340</u>	TEXT ORDER granting <u>339</u> Consent Motion for Extension of Time to File Response/Reply. Plaintiff shall have until June 29, 2017, to file a response to Defendants' Motion to Strike (ECF No. 336). Signed by Honorable Timothy M. Cain on 6/14/2017.(vmcd,) (Entered: 06/14/2017)
06/29/2017	<u>343</u>	RESPONSE in Opposition re <u>336</u> MOTION to Strike <u>333</u> MOTION for Attorney Fees <i>and GAL fees filed by GAL for Michelle M. and Peter B. and by Chip E.</i> MOTION for Hearing MOTION to Dismiss Response filed by Jimmy Chip E, Michelle M.Reply to Response to Motion due by 7/6/2017 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit Ex1 Complaint, # <u>2</u> Exhibit Ex 2 Response to Complaint, # <u>3</u> Exhibit Ex 3 Dismissal of Complaint, # <u>4</u> Exhibit Ex 4 Email from Case Manager Increasing Hours 10-27-16, # <u>5</u> Exhibit Ex 5 Hilton Groups v. BB&TSC)(Harrison, Patricia) (Entered: 06/29/2017)
07/05/2017	<u>345</u>	REPLY to Response to Motion re <u>336</u> MOTION to Strike <i>or</i> MOTION to Dismiss Plaintiffs' <u>333</u> MOTION for Attorney Fees <i>and GAL fees filed by GAL for Michelle M. and Peter B. and by Chip E.</i> , MOTION for Hearing. Response filed by Beverly Buscemi, Kelly Floyd, Emma Forkner, Nikki Randhawa Haley, Richard Huntress, Anthony Keck, Marshall C Sanford, South Carolina Department of Disabilities and Special Needs, The, South Carolina Department of Health and Human Services, The. (Woodington, Kenneth) Modified on 7/5/2017: to edit text (kmca). (Entered: 07/05/2017)
07/28/2017	<u>346</u>	ORDER granting Defendants' <u>336</u> Motion to Dismiss and denying Plaintiff's <u>333</u> Motion for Attorney Fees. Signed by Honorable Timothy M Cain on 7/28/17.(kmca) (Entered: 07/28/2017)
08/28/2017	<u>347</u>	NOTICE OF APPEAL as to <u>346</u> Order on Motion for Attorney Fees, Order on Motion for Hearing, Order on Motion to Strike, Order on Motion to Dismiss by Jimmy Chip E. – The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Harrison, Patricia) (Entered: 08/28/2017)

08/28/2017	<u>348</u>	MOTION for Leave to Proceed in forma pauperis on Appeal (Restricted Access) by Jimmy Chip E. Response to Motion due by 9/11/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit Affidavit of jimmy "Chip" E 8-27-17, # <u>2</u> Exhibit 2015 Affidavit, # <u>3</u> Exhibit 2015 Order granting motion to proceed in forma pauperis 324)No proposed order.(Harrison, Patricia) (Main Document and Attachment 1 replaced on 9/5/2017: to replace with corrected documents as provided by filing user) (kmca). (Entered: 08/28/2017)
08/29/2017	<u>349</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>347</u> Notice of Appeal. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (kmca) (Entered: 08/29/2017)
08/29/2017	350	MOTION TO APPEAL IN FORMA PAUPERIS UNDER REVIEW BY DISTRICT COURT re <u>347</u> Notice of Appeal. (kmca) (Entered: 08/30/2017)
09/05/2017	353	TEXT ORDER granting <u>348</u> Motion for Leave to Appeal in forma pauperis on Appeal. Entered at the direction of the Honorable Timothy M Cain on 9/5/17.(kmca) (Entered: 09/05/2017)
06/19/2018	<u>355</u>	USCA OPINION for <u>347</u> Notice of Appeal, filed by Jimmy Chip E. Decision of Appeals Court Affirmed Decision of District Court. (kmca) (Entered: 06/19/2018)
07/05/2018	<u>356</u>	Appeal Remark re <u>347</u> Notice of Appeal: Mandate stayed per Fed. R. App. P. 41(d)(1), <i>petition for rehearing</i> . (kmca) (Entered: 07/05/2018)
08/14/2018	<u>357</u>	Appeal Remark re <u>347</u> Notice of Appeal: COURT ORDER filed denying Motion for rehearing en banc. (kmca) (Entered: 08/14/2018)
08/22/2018	<u>358</u>	USCA MANDATE and Judgment as to <u>347</u> Notice of Appeal, filed by Jimmy Chip E. (Attachments: # <u>1</u> Judgment)(kmca) (Entered: 08/22/2018)