

NO.	YR.	NUMBER	MO.	DAY	YEAR	J	NO.	U	T.	23	S	OTHER	NUMBER	DEM.	YR.	NUMB
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PLAINTIFFS

MACEL MEDLEY, a child under the age of 18 years, who sues by her next friend NANCY BARCHART, Executive Director, Kanawha Putnam Association for Retarded Children individually and on behalf of all other persons similarly situated,



MR-WV-0001-9000

DEFENDANTS

LEON GINSBERG, Commissioner, W.V. Department of Welfare; JOHN E. BURDETTE, II Area Administrator, Area 12, W.V. Department of Welfare; MARK HUDNALL, Caseworker; George Pickett, M. D., Director; John Barnette, Executive Director Shawnee Community Mental Health/Mental Retardation Center, inc.

(Added as per court order of 02/29/84)
 PLEASANTS COUNTY BOARD OF EDUCATION;
 CARL, HAROLD, Superintendent of School of Pleasants County; SMITH, R. BURL, President and Member of the Board of Education of Pleasants County; BARNARD, LOUIS E., Member of the Board of Education of Pleasants County; LAUDERMAN, JOHN I Member of the Board of Education of Pleasants County; McKNIGHT, JIMMY L., Member of the Board of Education of Pleasants County; POLLACK, ROY Member of the Board of Education of Pleasants County, in their official capacities

29 USC 794, 42:6010, 20 1412; 42:2489; Suit seeking to require defendants to provide communication and services in lieu of plaintiff's present institutional placement.

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~~Frances Hughes, (WV Dept. of Human Service)~~
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~~STATE DEPARTMENT OF EDUCATION~~
~~Brentz Thompson~~
~~State Department of Education~~
~~Room 357, Building 6, State Capitol Complex~~
~~Charleston, West Virginia 25305~~

CHECK HERE IF CASE WAS FILED IN FORM PAUPERIS

FILING FEES PAID			STATISTICAL CARD
DATE	RECEIPT NUMBER	C.D. NUMBER	CARD DATE MAIL
4/21/78			JS-5
			JS-6

DATE	NR.	PROCEEDINGS
1978 4/21	1	FILED: Complaint, issued summons (20 days)
	2	FILED: Motion for leave to proceed in Forma Pauperis
	3	FILED: Motion for Preliminary Injunction
	4	ENTERED: Order allowing plaintiff to proceed in forma pauperis
Apr 21	5	FILED: Pltff's notice of motion with motion for TRO
Apr 24	8	FILED: Courtreporter's shorthand notes of 4/24/78 (Bratton)
Apr 25	6	FILED: US Marshal's returns
Apr 25	7	ORDER: continuing hrng on TRO to 5/8/78 @ 1:15, hrng on class certification 6/13/78 @ 9:30 & pretrial 6/13/78 @ 9:30 CC to counsel of record Copenhaver
May 11	8	FILED: Defdt's notice of motion with motion to dismiss with appendix
May 12		FILED: Courtreporter's shorthand notes of 5/12/78 (Bratton)
May 12	9	ORDER: Hrng on pltff's motion to TRO continued generally CC to counsel of record Copenhaver
May 25	10	FILED: Answer of defdts
Jul 20	11	FILED: Stipulations relating to motion for certification of class
Jul 26	12	FILED: Pltff's motion for certification ✓
Jul 26		RECEIVED: Pltff's brief on the merits
Jul 27		RECEIVED: Courtrepreter's shorthand notes of 7/27/78 (Bratton)
Aug 14	13	FILED: Pltff's mtn for leave to amend complaint
Aug 22	14	ORDER: Granting pltff's mtn to amend complaint CC to counsel Copenhaver
Aug. 24		ISSUED; summons & 1 copy of amended complaint to be served on Daniel B. Taylor. W. Va. Dept. of Education, Chas. Copy of order attached.
Aug 28	15	FILED: Defdts' answer to pltff's amended complaint with exhibit
Aug 30	16	FILED: Mtn of Sophia Lynn Booker for permission to intervene with notice of mtn
Aug 31	17	FILED: Pltff's second mtn for certification of class ✓
Sep 1	X8	RECEIVED: Defdts' brief on the merits
Sep 5	18	ORDER: Granting mtn of Booker to intervene Copenhaver CC to counsel
Sept 7	19	FILED: U. S. Marshals Return
Sept 8		RECEIVED: Memorandum in Opposition to Motion for Certification of Class
Dec 6		RECEIVED: Deposition of Steven B. Heasley <u>SEE PAGE TWO (2)</u>

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-75-50M-3511

PLAINTIFF
MACEL MEDLEY etcDEFENDANT
~~XXXX~~ LEON GINSBERG et al

DOCKET NO. 78-2099

PAGE 2 OF _____ PAGES

DATE	NR.	PROCEEDINGS
1978 Dec 8	20	FILED: 2nd stipulations relating to mtn for certification of class
Dec 8	21	FILED: 2nd stipulations relating to mtn for certification of class
1979 Feb 28	22	ORDER: Status conference, pre-trial conference 10/9/79 @ 9:30 and trial on 11/26/79 etc. Copenhaver CC to counsel
Mar 19	23	FILED: Amended complaint
Mar 20	XX	FILED: Courtreporter's shorthand notes of 3/20/79 (Bratton)
Mar 23	24	FILED: Stipulations relating to mtn for certification of defdt class with attchmnts
Apr 4	25	ORDER: <u>Granting plttfs' 2nd mtn to certify a plttf class and class and subclasses are defined herein, filing letter dated 3/9/79 from defense counsel to law Clerk etc.</u> XXXXXX (said letter not recvd) Copenhaver CC to counsel
Apr 4	26	ORDER: Denying plttfs' mtn to certify a defdt class, plttfs' granted until 5/4/79 to file a senond amended complaint etc. Copenhaver CC to counsel
May 2	27	FILED: plttfs' mtn for extnsn of time to file 2nd amended complnt
May 3	28	ORDER: Grntg plttf's mtn to extnd time to file second amended complaint until 6/4/79 Copenhaver CC to counsel
May 7	29	FILED: Copy of mtn for extension of time to file 2nd amended complaint
Jul 2	30	FILED: Defdts' mtn for SJ
Jul 2		RECEIVED: Defdts' memo in support thereof
July 6	31	FILED: Plaintiffs' First Request for Production of Documents
July 20	32	FILED: Plaintiffs' Motion For Substitution of Party with copy of proposed Order attached
July 10	33	FILED: Plaintiffs' First Set of Interrogatories to Defendant Superintendent of Schools
Jul 17		RECEIVED: Plttfs' memorandum in opposition to defdts' mtn for SJ with attchmnts
Jul 23	34	FILED: Plttfs' mtn to compel production of documents with notice of mtn
Aug 6	35	FILED: Defdts' objections to reqluest for production of documents
Aug 6		RECEIVED: Defdts' memo in support thereo
Sep 24	36	FILED: Plttf's notice to take deposition of Kirby V. Nielsen
Sep 28	37	FILED: Defdt's interrogs to plttf M _d acel Medley <u>SEE PAGE THREE (3)</u>

CIVIL DOCKET CONTINUATION SHEET

-PLAINTIFF MACEL MEDLEY, etc.		DEFENDANT LEON GINSBERG et al	DOCKET NO 78-2099CH PAGE 3 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
<u>1979</u>		
Oct 1	38	FILED: Interrogs for WV advocates for developmentally disabled
Oct 11		FILED: Court Reporters Shorthand Notes (Bratton)
Oct 12	39	ORDER: directing that discovery be completed by Feb. 15, 1980, pre-trial conference set at 10:00 a.m., March 9, 1979 and set for trial to Court, April 21, 1980 Certified copies to counsel
Oct 15	40	FILED: Plaintiffs Response to Defendants' Interrogatories
Oct 31	41	FILED: Response to interrogs to WV Advocates for the Developmentally disabled
Nov 1	42	ORDER: setting out parties agreed method and form of notice to plttf class as affixed to this order and incorporated herein, approving same etc. CC to counsel Copenhaver
Nov 2	43	RECEIVED: Deposition of Kirby V. Nielsen
Nov 13	44	ORDER: XXXXXX defdts ordered to produce the requested documents and protective order of Court etc. CC to Falk and Gottlieb Copenhaver
Nov 14	45	FILED: Letter from parents of John Gaudio asking to be excluded from action
Nov 14	46	FILED: Letter dated 11/12/79 from Mr. & Mrs. Alfred Hundley asking to be excluded
Nov 16	47	FILEDL Letter dated 11/14/79 from Mrs. Vere Haskins
Nov 19	48	FILED: Letter dated 11/14/79 from Mrs. Marvin Mackey
Nov 19	49	FILED: Letter dated 11/15/79 from Nancy Jane Kady
Nov 19	50	FILED: Notice of exclusion from plttf class of Helen S. Jackson and Andrew Jackson
Nov 21	51	FILED: Letter from Doris Swader dated 11/11/79
Nov 21	52	FILED: Letter from Nathan L. Evans
Nov 23	53	FILED: Notice to exclude Barbara Joan Kelley who answers by parents Donald Elwood and Margaret Sue Kelley
Nov 26	54	FILED: Letter dated 11/23/79 from Sandra K. Gilmore
Nov 26	55	FILED: Letter dated 11/21/79 from Stephen F. Burke
Nov 26	56	FILED: Answer regarding Lisa Soto Hatfield
Nov 27	57	FILED: Letter dated 11/21/79 from Elmer Floyd
Nov 27	58	FILED: Letter dated 11/23/79 from Mr. & Mrs. Bobby L. Monigold
Nov 28	59	FILED: Letter dated 11/20/79 from Mrs. John C. Garland
Nov 28	60	FILED: Letter dated 11/26/79 from Carl M. Jessup

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY, etc.	DEFENDANT LEON GINSBERG et al	DOCKET NO <u>78-2099CH</u> PAGE <u>4</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
<u>1979</u>		
Nov 29	61	FILED: Letter dated 11/26/79 from Mrs. Martha A. Dunham
Nov 29	62	FILED: Letter dated 11/27/79 from Mrs. Mary K. Maslanik
Nov 30	63	FILED: Request for exclusion of Mellanie Dawn Chandler
Nov 30	64	FILED: Letter from Mrs. Bernard J. Hamrick
Nov 30	65	FILED: Letter dated 11/27/79 from Marcia Robbins
Nov 30	66	FILED: Letter dated 11/28/79 regarding John Jones from law firm of Dodson, Deutsch & Hallanan
Nov 30	67	FILED: Letter dated 11/26/79 from Mr. and Mrs. Okey D. Hissam
Nov 30	68	FILED: Letter from John J. Givens
Nov 30	69	FILED: Letter dated 11/20/79 from Michael E. Donnellan and Martha J. Donnellan
Nov 30	70	FILED: Defdts' mtn to amend order with notice of mtn
Nov 30	70-A	FILED: Notice to exclude Cassandra Ann Rude
Dec 3	71	FILED: Letter dated 11/24/79 from Margie L. Clark
Dec 3	72	FILED: Letter dated 11/26/79 from Dixie L. Emch
Dec 3	73	FILED: Letter dated 11/28/79 from Betty A. Powell
Dec 3	74	FILED: Letter from Thomas P. Peyton, III
Dec 3	75	FILED: XXXXXX Notice regarding Sarah Louise Thomas by guardian Janet Thomas
Dec 3	76	FILED: Letter dated 11/29/79 from Fay Wilmoth
Dec 4	77	FILED: Letter dated 11/30/79 from Mr. & Mrs. Samuel B. Mazza
Dec 4	78	FILED: Letter dated 11/29/79 from Mr. & Mrs. Carrol Smith
Dec 6	79	FILED: Letter dated 11/30/79 from Leighton T. Lilly
Dec 6	80	FILED: Copy of letter dated 11/13/79 from Calvin & Florence Rinker
Dec 10	81	FILED: Letter dated 12/6/79 from Linda J. Hoal
Dec 10	82	FILED: Letter dated 12/7/79 from Susan Weaver
Dec 10		FILED: Courtreporter's shorthand notes of 12/10/79 (Bratton)
Dec 12	83	FILED: Letter dated Dec 12, 1979 from Mrs. Nancy Summers
Dec 13	84	FILED: Letter dated 12/10/79 XXXXXX from Eleanor and Herbert Shaffer
Dec 13	85	FILED: Letter dated 12/11/79 from Larry and Rita Adkins
Dec 13	86	FILED: Letter dated 12/11/79 from Carl and Margie Mays

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY, etc.	DEFENDANT LEON GINSBERG et al	DOCKET NO. <u>78-2099</u> PAGE <u>5</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
<u>1979</u> Dec 17	87	FILED: Letter dated 12/6/79 from William F. Galbus
<u>1980</u> Jan 11	88	ORDER: Pltff's time to inspect and copy records at Colin Anderson extnded for week of Jan 14-19, 1980 etc. Copenhaver
Jan 21	89	FILED: Request for engry upon land & inspectionof documents
Jan 22	90	FILED: Letter dated(no date other than filed stamp) from Mr. & Mrs. Woodrow May
Jan 22	91	ORDER: Extndg to April 1, 1980 time by which members of pltff class may notify Clerk they wish to be excluded and parties to effectuate supplementary notice of Class Action Copenhaver CC to counsel
Jan 23	92	FILED: Letter from Mrs. Bernard Hamrick
Jan 28	93	FILED: LETTER dated 1/25/80 from T. P. PEYTON, III
Jan 28	94	FILED: Pltff's NOTICE of CLASS ACTION
Jan 29	95	FILED: LETTER dated 1/27/80 from CARL L. & MARGIE I. MAYS
Jan 29	96	FILED: JOINT MOTION for EXTENSION of DISCOVERY
Jan 29	97	ORDER: Extending DISCOVERY until 4/7/80 Copenhaver CC to counsel
Jan 29	98	ORDER: Supplementary PROTECTIVE ORDER relating to EXPERT WITNESSES Copenhaver CC to counsel
Jan 29	99	FILED: Letter dated 1/24/80 from Aurelia Fay Wilmoth
Jan 29	100	FILED: Letter dated 1/19/80 from Mrs. Hazel Corker
Jan 29	101	FILED: Letter undated from Mrs. Sandy Beckner
Jan 29	102	FILED: Letter dated 1/23/80 from Mrs. Rose Smith
Jan 29	103	FILED: Letter dated 1/23/80 from Loraine Looney
Jan 29	104	FILED: Letter dated 1/25/80 from Charles O. Cunningham
Jan 29	105	FILED: Letter dated 11/17/79 from Mr. Elmer Booth, Jr.
Jan 29	106	FILED: Letter dated 1/19/80 from Joanne Evans
Jan 29	107	FILED: Letter dated 1/21/80 from Mrs. Wanda Goodin
Jan 29	108	FILED: Letter dated 1/18/80 from Lewis & Roberta Marquis
Jan 30	109	FILED: ANSWER & REQUEST to exclude Lisa Soto Hatfield by Sandra Soto Hatfield
Jan 31	110	FILED: Letter, undated, from Mrs. Irene Edgell
Jan 31	111	FILED: Notice to be Excluded from Connie Harris, dated 1/28/80
Jan 31	112	FILED: Letter dated 1/28/80 from Manuel C. & Betty Lou Morgan
Jan 29		FILED: Courtreporter's shorthand notes of 1/29/80 (Bratton)
Feb 1	113	FILED: Letter dated 1/29/80 from Louise Harman with attchmnt

SEE ADDITIONAL ENTRIES ON PAGE SIX (6)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG, et at	DOCKET NO 78-2099CH PAGE 5 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
<u>1980</u>		
Feb 4	114	FILED: Notice to exclude Diane Domazor
Feb 4	115	FILED: Letter dated 1/27/80 from Mr. & Mrs. Eugene De Frances
Feb 4	116	FILED: Letter dated 1/31 from Mrs. Pauline Greaver
Jan 29	117	FILED: Response to request for entry upon land and inspection of documents
Jan 29	118	FILED: Pltff's mtn to amend order of 1/22/80
Feb 6	119	ORDER: Vacating Court's order of 1/22/80, changing date to 2/1/80 as the date by which members may notify Clerk they do not wish to be bound by judgment, approving "Notice of Class Action" etc. & trial to Court 5/19/80 CC to counsel Copenhaver
Feb 6	120	FILED: "Notice of Class Action"
Feb 11	121	FILED: Letter dated 2/5/80 containing typed name of Leander Sword for signature
Feb 13	122	FILED: Letter stampe dated 2/13/80 from Ruth M. Walton
Feb 13	123	FILED: Letter dated 1/23/80 from Sophie Brown Clark
Feb 13	124	FILED: Letter dated 11/13/79 from Michael A. Oliverio
Feb 25	125	FILED: Pltffs' 1st interrogs to Pickett regarding Colin Anderson Center
Feb 25	126	FILED: Pltffs' 1st interrogs to Pickett regarding Greenbrier Center
Feb 25	127	FILED: Pltffs' 1st interrogs to Pickett regarding Lakin Hospital
Feb 25	128	FILED: Pltffs' 1st interrogs to Pickett regarding Weston Hospital
Feb 25	129	FILED: Pltffs' 1st interrogs to Pickett regarding Spencer Hospital
Feb 25	130	FILED: Pltffs' 1st interrogs to Pickett regarding Huntington State Hospital Pltffs'
Mar 7	131	FILED: / Interrogs to Ginsberg, Truby and Pickett regarding expert witnesses
Mar 7	132	FILED: Pltffs' interrogs to Burnett regarding expret witnesses
Mar 7	133	FILED: Letter dated 3/6/80 to Court from T. P. Peton with atachment
Mar 10	134	FILED: Pltffs' request for entry upon land & inspection of documents
Mar 10	135	FILED: Pltffs' 1st interrogs & request for production of documents to defdt Pickett
Mar 12	136	FILED: Pltffs' proposed stipulations of 3/10/80 with atchments

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG et al	DOCKET NO. 78-2099 PAGE 8 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
1980		FILED:
Apr 7	159	XXXXXX XXXXXX Pltffs' supplementary response to defdts' interrogs regarding expert witnesses
Apr 14	160	RECEIVED: Deposition of Dennis Patrick Bridgeman
Apr 14	162	RECEIVED: Deposition of Russell H. Perkis
Apr 16	162	FILED: Response to pltffs' interrogs regarding expert witnesses
Apr 17	163	FILED: Request for spa duces tecum treated as praecipe: 2 saps duces tecum issued behlf pltff
Apr 16	164	FILED: Pltff's notice to take depositions of KE Garrett Moran et al
Apr 21	165	RECEIVED: Transcript of proceedings held 3/29/80 at Weston State Hospital
Apr 22	166	FILED: Colin Anderson Center building reports
Apr 22	167	FILED: Huntington State Hospital #2 building reports
Apr 22	168	FILED: Spencer State Hospital building reports
Apr 22	169	FILED: Weston State Hospital building reports
Apr 23	170	FILED: Pltff's notice to take depositions of Dr. Black et al
Apr 30	171	FILED: Pltff's notice to take depositions of Rosella Archer et al
May 1	172	FILED: Pltff's request for entry upon land and inspection of documents
May 2	173	FILED: Pltff's request to update & supplement responses to XXXXXX pltffs' 1st set of interrogs to defdt superintendent of schools
May 5	174	FILED: Praecipe; issued two deposition spas in blank behlf pltff set
May 6		FILED: Praecipe; issued 1/depo spa in blank behlf pltff
May 7	174	FILED: Pltffs' noitce to take depositions of James Adkins et al
May 7	175	FILED: Pltffs' 1st set of requests for admissions to defdt Pickett with attchmnts
May 8	176	FILED: Defdt's notice to take deposition of William Svoboda, M.D.
May 8	177	FILED: Defdt's notice to take deposition of Susan Greene, R.N.
May 9		FILED: Praecipe: issued one deposition spa behlf defdt retnbl 5/13/80
May 9		FILED: Praecipe: issued one depostion spa behlf defdt retnbl 5/13/80
May 14	178	FILED: Pltff's notice to take depositiojs of Norm Zinger et al
May 14	179	FILED: Pltff's notice to take depositions of Garrett Moran et al

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG, etc., et al	DOCKET NO. <u>78-2099</u> PAGE <u>9</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
1980		
May 19	180	RECEIVED: Discovery Deposition of Linda B. Bowles
May 19	181	RECEIVED: Discovery Deposition of Edward Black, PhD
May 19	182	FILED: Plaintiffs' Notice of Motion and Motion to Produce Documents or in Alternative, Motion to Compel Discovery
May 20	183	FILED: Certificate of Service on Pltfs Request for Admissions heretofore filed on May 7, 1980
May 27	184	FILED: Defdts notice of motion and motion to compel discovery
May 30	185	ORDER: Conference, trial 11/12/80 @ 9:30 KIK another conference 6/11/80 @ 9:30 etc CC to counsel Copenhaverk
Jun 3	186	FILED: Pltff's notice to take deposition of George Pickett et al
Jun 4	187	FILED: Deposition of Leon H. Ginsberg
Jun 10	188	RECEIVED: Discovery Deposition of Elaine Flaxer
Jun 10	189	RECEIVED: Discovery Deposition of Elizabeth Ann Edge
Jun 10	190	RECEIVED: Discovery Deposition of Kirk M. KIKKIK Sorensen
Jun 10	191	RECEIVED: Discovery Deposition of William Gordon Bourland, II MEMORANDUM
Jun 10	192	/ORDER: Denying defendants' motion for summary judgment CC to counsel Copenhaver
Jun 11	193	FILED: Pltffs' 2nd set of requests for admission to defdt Pickett-Hopemont Hospital
Jun 13	194	FILED: Request for inspection and copying of documents
June 16	195	FILED: Plaintiffs' Motion for Leave to Amend Complaint and to Serve Additional Party Defendant and Notice of Motion
June 19	196	FILED: Defendants' Interrogatories for the Kanawha-Putnam Association for Retarded Children to Plaintiffs'
Jun 20	197	ORDER: allowing Plaintiffs' Motion to file Amended Complaint and to serve additional party defendant (Certified copies to counsel)
Jun 20	198	ORDER: directing defendants to file pre-trial memorandum of law, etc. by Aug. 4, plaintiffs to file responses thereto by Aug. 29, Defendant file their Memorandum of Law by Sept. 9, 1980 (Certified copies to counsel)
Jun 25	199	FILED: Second amended complaint
Jul 1	200	FILED: Defdt Pickett's mtn to extnd time for answering pltffs' 1st & 2nd set of requests for admissions
Jul 1	201	FILED: Defdt Pickett's answers to pltffs' 1st set of requests for admissions

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG, etc., et al	DOCKET NO. <u>78-2099</u> PAGE <u>10</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
<u>1980</u>		
Jul 1	202	RECEIVED: Discovery deposition of Thomas Carl Stalek
Jul 1	203	RECEIVED: Discovery deposition of William Ernest Richards, Jr.
Jul 1	204	RECEIVED: Discovery deposition of Lois K. Beard
Jul 1 1980	205	RECEIVED: Discovery deposition of Donna Mae White
Jul 1	206	RECEIVED: Discovery deposition of Rosella Archer
Jul 1	207	RECEIVED: Discovery deposition of David Forinash
Jul 1	208	RECEIVED: Discovery deposition of Walter Smittle, III, with exhibits and other papers
Jul 7	209	FILED: Courtreporter's shorthand notes of 7/7/80 (Bratton)
Jul 7	209	FILED: Pltff's motion for order compelling discovery
Jul 7	210	RECEIVED: Deposition of George Pickett
Jul 7	211	ORDER: Granting defdts' mtn to extnd time to answer 1st and 2nd requests for admission, denying defdts' mtn to compel, pltffs' mtn to produce held in abeyance, pltffs 's mtn to compel granted, pre-trial 11/7'80 @ 10:00 CC to counsel Copenhaver
Jul 14	212	RECEIVED: Deposition of Joel Flaxer
Jul 15	213	FILED: Answer of Shawnee Hills Community Mental Health, Mental Retardation Center to pltff's 2nd amended complaint
Jul 16	214	FILED: Responses by Kanawha-Putnam Association for retarded citizens to interrogs by defdts
Jul 17	215	FILED: Defendants' answer to second amended complaint
Jul 31	216	FILED: Defdt Pickett's answers to pltffs' 1st set of reqlests for admissions
Jul 31	217	FILED: Pitkett's responses to pltffs' 2nd set of requests for admissions
Aug 6	218	FILED: Answers to interrogs from Colin Anderson Center Pltff's
Aug 11	219	FILED: /Request for inspection and copying of documents
Aug 13	220	FILED: Pltff's notice to take depositions of Lily F. Jacob, M.D. et al
Aug 14	230 231	FILED: Appearance of Flen D. Moffett, counsel for pltffs
Aug 27	222	FILED: Request for inspection and copying of documents by pltff

SEE PAGE ELEVEN (11)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY		DEFENDANT LEON GINSBERG	DOCKET NO. <u>78-2099</u> PAGE <u>11</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
<u>1980</u> Sep 3	223	FILED: Defdt's response to request for inspection and copying of documents
Sep 3	224	ORDER: Pre-trial order, basis of issues at trial listed CC to counsel Copenhaver
Sep 4	225	FILED: Defdt's notice to take depositions of Nancy Barnhart et al
Sep 5	226	RECEIVED: Brief behlf defdts on defense of res judicata
Sep 10	227	RECEIVED: Evidentiary deposition of Manola D. Tampoya, M.D.
Sep 10	228	RECEIVED: Evidentiary deposition of Lily F. D'Jacob, M.D.
Sep 10	229	RECEIVED: Evidentiary deposition of Genon D. Zerrudo, M.D.
Sep 12	230	FILED: Pltffs' request for inspection and copying of documents
Sep 15	231	FILED: Pltffs' interrogs to defdt Ginsberg regarding Dept of Welfare
Sep 15	232	FILED: Defdts' first interrogs and requests for production of documents
Sep 17	233	FILED: Pltffs' notice to take depositions of Desmond Byrne et al
Sep 17	234	FILED: Defdts' interrogs to WV Advocates for the Developmentally Disabled
Sep 17	235	FILED: Defdts' interrogs to ^N ancy Barnhart and the Kanawha-Putnam Association for retarded Citizens
Sep 17	236	FILED: Pltffs' 2nd interrogs & requests for production in regard to Weston Hospital
Sep 17	237	FILED: Pltffs' 2nd interrogs & request for production in regard to Huntington Hospital
Sep 17	238	FILED: Pltffs' 2nd interrogs & requests for production in regard to Spencer Hospital
Sep 17	239	FILED: Pltffs' request for production of documents regarding residents of RXXX Colin Anderson Center
Sep 17	240	RECEIVED: Re-position of Nancy Barnhart
Sep 24	241	FILED: Pltff's supplementary interrogs regarding defdt's expert witnesses
Sep 24	242	FILED: Pltffs' request to defdt Pickett for production of documents regarding State Hospitals
Sep 23	243	ORDER: Status conf., parties to submit proposed consent decree on or before 10/7/80; status conf., hrng on 10/17/80 @ 1:30 Copenhaver CC to counsel
Oct 7	244	RECEIVED: Deposition of Steward H. Frazier
Oct 14	245	RECEIVED: Plaintiffs' Brief in Answer to Defense of Res Judicata
Oct 23	246	FILED: Pltffs' motion for order compelling discovery See Page 12

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MAGEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. <u>78-2099</u> PAGE <u>13</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
<u>1980</u>		
Nov 26	264	ORDER: Conference, pltffs may respond to offer of judgment by defdts other than defdts Barnette and Shawnee Hills by 12/15/80, pretrial 12/15/80 @ 1:00, Trial 12/29/80 Copenhaver CC to counsel
Dec 5	265	RECEIVED: Discovery deposition of Norman Zinger
Dec 5	266	RECEIVED: Discovery deposition of Mary Setzer with exhibits
Dec 5	267	RECEIVED: Discovery deposition of Dennis Bridgeman
Dec 5	268	RECEIVED: Discovery deposition of John Robert Mott, II
Dec 5	269	RECEIVED: Discovery deposition of Norma Mertz with exhibits
Dec 5	270	RECEIVED: Discovery deposition of Kathleen Cook Turner
Dec 12	271	FILED: Defdts' motion for summary judgment on claim of plttf Medley for damages
Dec 16	272	ORDER: pltffs respond to offer of judgment 12/16 80, filing offer of judgment. acceptance of offer and XXXXXXXXXXXX agreed clarifications hrng on judgment offer 12/29/80 @ 9:30 Copenhaver CC to counsel
Dec 16	273	FILED: Offer of judgment/decree
Dec 16	274	FILED: Clarifications of offer of judgment
Dec 16	275	FILED: Acceptance of offer of judgment
Dec 22	276	FILED: Letter from Linda Hoal to Clerk dated 12/8/80
<u>1981</u>		
Jan 6	277	RECEIVED: Deposition of Jane Stout
Jan 6	288	RECEIVED: Deposition of Dr. George Pickett
Jan 8	289	RECEIVED: Deposition of Jean Malarvie
Jan 8	290	RECEIVED: Deposition of Desmond Byrne
Jan 8	291	RECEIVED: Deposition of Barry Adelstein
Jan 13	292	FILED: Proposed decree submitted by both parties
Jan 19	293	ORDER: Hrng 1/21/81 @ 1:30 in Charleston or 11:30 in Beckley, pltffs to file memos by 2/5/81, response memos by 2/13/81, reply memo to response by 2/19/81, final hrng on proposed consent decree 2/26/81 @ 1:00 in Charleston Copenhaver CC to counsel
Jan 22	294	FILED: Proposed decree with attachments
Jan 26	295	ORDER: Directing service of notice and setting hrng of proposed settlement Copenhaver

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY Next pleading #296	DEFENDANT LEON GINSBERG	DOCKET NO. <u>78-2099</u> PAGE <u>14</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
<u>1981</u>		
Feb 9		RECEIVED: Pltffs' brief regarding appeals from administrative procedures in proposed consent decree
Feb 9	296	FILED: Stipulation for consent decree
Dec 29	1980	FILED: Courtreporter's shorthandnotes of 12/29/80 (Bratton)
Jan 16		FILED: Courtreporter's shorthand notes of 1/13/81 (Bratton)
Jan 16		FILED: Courtreporter's shorthand notes of 1/16/81 (Bratton)
Feb 13	297	RECEIVED: Defdts' brief regarding appeals from administrative procedure in the proposed consent decree
Feb 25	298	FILED: Mailing list used by WV Dept of Health to notify pltff class etc.
Feb 25		FILED: Courtreporter's shorthand notes of 2/26/80 (Bratton)
Mar 2	299	FILED: Copies of Department of Health policy directives
Mar 9	300	FILED: Proposed Interim Community Placement Program for the Developmentally Disabled
Mar 10	301	FILED: Transcript of proceedings of Jan. 21, 1981
Mar 10		FILED: Reporters shorthand notes of 3/10/81 (Bratton)
Apr 10	302	FILED: Pltffs' motion for extension of briefing period
Apr 13	303	ORDER: Granting pltff's mtn to extend briefing schedule etc. Copenhaver CC to counsel
May 12	XXX	RECEIVED: Defdts' brief on enforceability of alleged settlement
May 13		RECEIVED: Defdts' brief on enforceability of alleged settlement
May 21	304	FILED: Partial transcript of 12/29/80 before Judge Copenhaver
May 21	305	FILED: Transcripts of January 13 & 16, 1981
Jul 17		FILED: Courtreporter's shorthand notes of 7/14/81 (Bratton)
Jul 20	306	FILED: Proposed consent decree
Jul 24	306-A	FILED: Interim Community Placement Program for the Developmentally Disabled
Aug 28	307	ORDER: Directing service of notice and setting hearing on revised proposed settlement of class actions, hrng 10/8/81 @ 1:00 Copenhaver CC to counsel
Aug 31	308	FILED: Letter from David A. and Shirley Teets requesting exclusion of son
Oct 8	309	TRANSCRIPT OF 10/08/81. COURT REPORTER'S NOTES of 10/08/81, (Bratton).
Oct 8	309	ORDER (2208) granting exclusion David Wayne Teets from action in accordance with request of said's parents, David and Shirley Teets. (EOD 10/14/81) cc: attys

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO.
MACEL MEDLEY		LEON GINSBERG	78-2099
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DATE	NR.	PROCEEDINGS	
Oct. 8	310	CERTIFICATES attesting to notices sent regarding hearing of 10/08/81	
Oct. 8	311	LETTER from Gail Falk, Pltf.'s Counsel, re: proposed settlement of the <u>Medley</u> decree, dated 07-23-81, with attachments.	
Oct. 8	312	CONSENT DECREE: Embodying the settlement of this action, with attachments. (EOD 10/14/81) (2508) cc: attys.	
Oct. 8	313	ORDER (2508): Approving and entering Consent Decree; time for completion and filing of the Comprehensive State Plan referred to in Consent Decree extended to 11/01/81. (EOD 10/14/81) cc: attys.	
Oct 14	314	ORDER (2508): Filing policies and procedures submitted by the WV Department of Health in compliance with consent decree. (EOD 10/16/81)	
Oct 14	315	Policies and Procedures submitted by WV Dept of Health	
Oct 14	316	PROTECTIVE ORDER (2508): setting out implementation of Individual Program and Delivery Plan for pltfs, Confidentiality Agreement (Exhibit A) attached.	
Oct 19	317	STIPULATION for Consent Decree; General Definitions attached.	
Oct 19	318	ORDER (2508): Confirming Stipulation for Consent Decree; settling action without trial or adjudication of any issue of fact or law. (EOD 10/20/81) cc: atys <u>CLOSED</u>	
Nov 2	319	ORDER (2508): Directing that "A Comprehensive Plan for Community Based Services for Developmentally Disabled Persons in West Virginia" be filed and made part of record, as per defts' motion. (EOD 11/03/81) cc: atys	
Nov 2	320	DOCUMENT entitled "A Comprehensive Plan for Community Based Services for Developmentally Disabled Persons in West Virginia", as per order of same date XXXXXX	
Nov 12	321	ORDER (2508): Excluding persons listed from the pltf class (listing of 44 persons). (EOD 11/13/81) cc: atys	
<u>1982</u>			
May 28	322	MOTIONS for Reinstatement of Tracey Colette Brown and Diana Mary Domazor Into the Class, with proposed order and certificate of service attached.	ras
Oct 5	323	ORDER (2508): Directing that Diana Mary Domazor and Tracey Colette Brown be reinstated into the class and be subject to the benefits, services, and procedures specified in the consent decree. (EOD 10/08/82) cc: atys	ras
Oct 18	324	MOTION by Pltfs to Cite for Contempt, with notice and certificate of service attached.	ras
Oct 26	325	MOTION by Rose B. Smith (mother and legal guardian of Connie J. Tweedlie) for Removal as Pltf, with certificate of service attached.	ras
Oct 26	326	REQUEST by Samuel B. and Victoria J. Mazza (parents of Mark Anthony Mazza) for Removal as Pltf.	ras
Oct 26	327	ORDER (2508): Directing that Connie J. Tweedlie and Mark Anthony Mazza be excluded from the pltf class. (EOD 10/27/82) cc: atys	ras
Nov 1	328	MOTION by defts for Continuance, with certificate of service and affidavit attached. (SEE PAGE 16)	ras

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-2099</u>
CEL MEDLEY	LEON GINSBERG	PAGE <u>16</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS	
82			
12	---	NOTICE of Court Reporter (Preston) on November 12, 1982.	slb
16	329	AMENDED MOTION of Pltfs to Hold Superintendent of Schools in Contempt.	slb
16	330	EDUCATION PLAN of Defts.	slb
24	331	MEMORANDUM by Defts in Response to Pltf's Amended Motion for Contempt and Objections.	ras
3	---	COURTREPORTER'S NOTES of 12/03/82 (Greene).	
83			
4	332	COMPREHENSIVE PLAN by Department of Education submitted by Deft (Roy Truby).	ras
20	333	NOTICE of Disposition of Depositions.	ras
29	334	MOTION by Pltfs to Cite for Contempt with certificate of service attached.	slw
13	335	RESPONSE by Deft (Truby) to Motion to Cite for Contempt.	slw
16	336	POLICY--RESPONSE OF DEFT OF HEALTH CLINICAL POLICY 3660.	reb
27	337	NOTICE and MOTION by Pltfs to Cite for Contempt with affidavit and certificate of service attached.	slw
3	338	AFFIDAVIT of Nancy Mattox, Executive Director of WV Advocates for the Developmentally Disabled.	slw
4	339	MOTION by Defts to Strike Affidavit Submitted with Motion to Cite for Contempt.	reb
12	340	ORDER (2508): Substituting C. Cooper Fulton and Daniel F. Hedges for Gail Falk as counsel for pltfs. (EOD 10/14/83)	ras
15	341	MOTION by Pltfs to Join John D. Rockefeller as Party Deft, with notice and certificate of service attached.	ras
22	342	MOTION by Counsel for Pltfs (C. Cooper Fulton) for Leave to Withdraw, with notice and certificate of service attached.	ras
23	343	ORDER (2508): Directing that C. Cooper Fulton be relieved of her responsibilities as counsel for pltfs. (EOD 11/28/83)	ras
23	344	RESPONSE by Defts to Pltfs' Motion for Joinder, with attachment.	ras
23	345	BUDGET PROJECTIONS of Remainder of 1983-1984 School Year.	ras
23	346	COMPREHENSIVE PLAN for the Education of Exceptional Students Within Residential Institutions Operated by the Department of Health.	ras
19	347	CONSENT ORDER (2508): Directing that terms of Comprehensive Plan as re-submitted 11/23/83 be implemented on a timely basis; etc. (EOD 12/20/83)	ras

CIVIL DOCKET CONTINUATION SHEET

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PLAINTIFF CEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. <u>78-2099</u> PAGE <u>17</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS	
983			
c 20	348	ORDER (2508): Continuing motion of pltfs to cite Truby in contempt of Consent Decree until 01/16/84 @ 1:15 p.m.; continuing motion of pltfs to join Rockefeller as party deft until 01/16/84 @ 1:15 p.m. (EOD 12/21/83) cc: atys	ras
984			
b 1	349	RESPONSE by Defts to Pltfs' Motion to Join Governor Rockefeller as a Party Deft.	ras
b 9	350	MOTION by Pltfs to Join Additional Party Defts, with notice and certificate of service attached.	ras
b 13	351	MOTION by Pleasants County Board of Education to Intervene. with exhibit, notice and certificate of service attached.	ras
b 13	352	ORDER (2508): Directing State Dept of Education to take such action as may be requisite to place named individuals in the Pleasants County Schools; directing parties to meet on/before 01/24/84 in re other Colin Anderson and Greenbrier Center residents whose IPDP recommend placement in the Pleasants County Schools; State Dept of Education to provide Pleasants County and Greenbrier County Schools technical and financial assistance as appropriate to place and service residents of Colin Anderson Center and Greenbrier Center; continuing motions of pltfs to cite Truby for contempt of consent decree and to add Rockefeller as deft until 02/14/84 @ 1:00 p.m.; etc. (EOD 02/15/84) cc: atys	ras
o 29	353	ORDER (2508): Granting motion of Pleasants County Board of Education to intervene and pltfs' motion to join Pleasants County Board of Education as party deft; also joining other individuals as party defts; setting supplementary orders as to students who have been or who will be referred to public schools pursuant to court's order of 02/13/84; continuing the hearing in matter to 06/10/84 @ 1:15 p.m.; etc. (EOD 03/02/84) cc: atys	ras
o 06	354	MOTION by Deft (Truby) to Extend Timelines, with affidavit and certificate of service attached.	ras
o 04	---	COURTREPORTER'S NOTES of 10/12/83 (Steinke).	ras
o 04	---	COURTREPORTER'S NOTES of 11/22/83 (Steinke).	ras
o 04	---	COURTREPORTER'S NOTES of 12/15/83 (Steinke).	ras
o 11	---	COURTREPORTER'S NOTES of 01/18/84 (Steinke).	ras
o 17	355	ORDER (2508): Granting motion of defts to extend timelines pursuant to terms of motion; directing defts to privately contract for occupational therapists or physical therapists; deft will take all action necessary to assure that the Regional Medley Advocates are given notice of all IEP meetings involving class members. (EOD 05/22/84) cc: atys	ras
o 11	---	COURTREPORTER'S NOTES of 02/14/84 (Steinke).	ras
o 26	356	ORDER (2508): Status report to be submitted by State Dept. of Education on/before 07/31/84. in re referrals of individuals subject to the consent decree; setting hearing on 08/10/84 @ 1:15 p.m. (EOD 06/28/84) cc: atys	ras

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-2099</u>
MACEL MEDLEY	LEON GINSBERG	PAGE <u>18</u> OF ____ PAGES

DATE	NR.	PROCEEDINGS	
<u>1984</u>			
Jul 31	357	ORDER (2508): Setting out directives involving the provision of services by Pleasants County and evaluation and placement decisions for residents of Cabell and Lewis Counties; etc. (EOD 08/01/84) cc: atys	ras
Aug 02	358	NOTICE OF HEARING by Pltfs in re Placement of Developmentally Disabled Individuals.	ras
Aug 08	359	MOTION by Deft (Truby) to Quash Subpoena, with affidavit and certificate of service attached.	ras
Aug 10	360	ORDER (2508): Setting out provisions necessary for implementation of decree; etc. (EOD 08/10/84) cc: atys	ras
Aug 10	361	ORDER (2058): Setting out provisions necessary for implementation of decree; etc. (EOD 08/10/84) cc: atys	ras
Aug 23	362	ORDER (2508): Setting out modifications of decree entered 07/31/84; etc. (EOD 08/24/84) cc: atys	ras
Sep 25	363	MOTION by Pltfs for Order Directing Appropriate Implementation of the Education Plan Portion of the Consent Decree, with certificate of service attached.	ras
Sep 25	364	MOTION by Pltf for an Order of Contempt, with certificate of service attached.	ras
Sep 25	365	MOTION by Pltf to Joint John D. Rockefeller, IV as a Party Deft, with certificate of service attached.	ras
Nov 09	366	ORDER (2508): Directing the Director of the Dept. of Health to pursue his best efforts in good faith to accomplish specified budgetary allocations; etc. (EOD 11/13/84) cc: atys	ras
Nov 09	367	ORDER (2508): Directing that Roy M. Truby, State Superintendent of Schools and the State Board of Education use the best efforts in good faith to assure the allocation in the state budget for fiscal year 1985-86 for specified purposes; etc. (EOD 11/13/84) cc: atys	ras
<u>1985</u>			
Jan 17	368	MOTION by Pltfs to Add party Deft or in the alternative for Appointment of a Monitor, with exhibits and certificate of service attached.	ras
Jan 25	369	MOTION by Pltf to Add Party Deft or in the Alternative for Appointment of a Monitor, with exhibits, notice and certificate of service attached.	ras
Feb 19	370	MOTION by Deft (Hansbarger) to Reschedule Hearing, with notice and certificate of service attached.	ras
Feb 20	371	OPPOSITION by the Secy of HHS to Pltfs' Motion to Add Party Deft or, in the Alternative, for Appointment of a Monitor.	ras
Feb 26	372	ORDER (2508): Granting motion for continuance of deft (Hansbarger); continuing hearing previously scheduled 02/20/85 to 03/06/85 @ 1:00 p.m. (EOD 03/01/85) cc: atys	ras

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-2099</u>
MACEL MEDLEY	LEON GINSBERG	PAGE <u>19</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS	
1985			
Mar 07	373	ORDER (2508): Continuing proceedings relative to pltfs' motion for the appointment of a monitor to 04/05/85 @ 1:30 p.m. (EOD 03/08/85) cc: atys	ras
Mar 08	374	ORDER (2508): Denying motion, without prejudice, insofar as it seeks to add another party deft. (EOD 03/08/85) cc: atys and Marye Wright, Asst. U.S. Atty.	ras
Mar 21	375	NOTICE/MOTION by plaintiffs for and Order of Contempt.	rap
Mar 21	376	MOTION by plaintiffs to add party defendants.	rap
Apr 19	377	MOTION by Carrol Lee Smith and Louise Smith for Reinstatement of Their Daughter, Pattie Lou Smith, Into the Class, with certificate of service attached.	ras
Apr 19	378	ORDER (2508): Reinstating Pattie Lou Smith into the class. (EOD 04/22/85) cc: atys	ras
May 21	379	REPORT by Pltfs to the Court on the Health Depatrment's Efforts to Achieve Continuation of the Title XIX Waiver Program.	ras
Jul 30	380	APPEARANCE OF COUNSEL for the West Virginia Dept. of Health.	wba
Aug 20	381	MOTION by John J. Givens for Reinstatement of Son Into Class.	ras
Aug 20	382	ORDER (2508): Reinstating Jason Givens into the class and subject to the benefits, services, and procedures specified in the Consent Decree. (EOD 08/21/85) cc: atys	ras
Aug 27	383	MOTION by Pltfs for an Order seeking Compliance with the Consent Decree or in Lieu thereof and Order for Contempt, with certificate of service attached and with notice of hearing set for 09/03/85 @ 1:15 p.m. attached.	wba
Sep 05	384	ORDER (2508): Continuing hearing previously scheduled 09/03/85 to 09/17/85 @ 2:00 p.m. (EOD 09/05/85) cc: atys	ras
Sep 17	385	FACILITY UPDATE as to FY 86 Appropriation.	ras
Sep 17	386	MEMORANDUM by Deft (Director of Health) in Opposition to Pltfs' Motion for and Order Seeking Compliance with teh Consent Decree or in Lieu Thereof an Order for Contempt.	ras
Sep 19	387	ORDER (2508): Continuing hearing in action to 10/10/85 @ 2:30 p.m. (EOD 09/23/85) cc: atys	ras
Sep 27	388	MEMORANDUM from Freedy to Other Counsel in re meeting of 10/01/85.	wba
Oct 11	389	MEMO from Hedges to Whyte dated 10/10/85 in re hearing necessity of hearing date.	ras
Oct 11	390	NEWSLETTER by WVADD in re Programs for the Mentally Retarded in WV.	ras
Oct 11	391	NEWSLETTER by WVADD in re Impact of Cancellation of Group Home DEvelopment.	ras
Oct 11	392	TRANSCRIPT of Proceedings held 10/10/85 before Judge Copenhaver (Steinke).	ras

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PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. 78-2099 PAGE 20 OF _____ PAGES
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DATE	NR.	PROCEEDINGS	
<u>1985</u>			
15	393	MOTION by Pltfs to Amend Decree, with notice and certificate of service attached.	ras
17	394	MOTION by Deft (Heydinger) to Continue Hearing on Pltfs' Motion to Amend Decree, with notice and certificate of service attached.	ras
18	395	RESPONSE by State Superintendent of Schools to Pltfs' Motion to Amend Decree.	ras
18	396	STIPULATIONS Pltfs and Deft (Heydinger) of Fact and Memorandum of Understanding.	ras
24	397	ORDER (2508): Directing pltfs to file a memorandum in re "Response of the State Superintendent of Schools to Pltfs' Motion to Amend the Decree" on/before 11/01/85; State Superintendent of Schools to file a reply memorandum thereto on/before 11/08/85; setting hearing 11/15/85 @ 1:15 p.m. on pltfs' motion to amend the decree. (EOD 10/25/85) cc: atys	ras
07	398	MEMORANDUM by Pltfs in re Responsibility of the WV Dept. of Education to Provide Services to Institutionalized Medley Class Members Over Age 23.	ras
13	399	REPLY MEMORANDUM by Deft (State Superintendent of Schools) to Pltfs' Motion to Amend Decree.	ras
15	400	UNMET NEEDS OF MEDLEY CLASS MEMBERS Submitted by Pltfs.	ras
22	401	ORDER (2508): Directing David Heydinger to submit a letter to the court on/before 11/12/85 describing the present status of the WV Dept. of Health's application for Title XIX waiver funds; WV Dept. of Health to file report on/before 12/11/85 informing the court of the Health Care Financing Administration's response to its application for Title XIX funds; WV Dept of Health to file a report on/before 01/07/86 addressing the status of the budgetary requests made by the Dept. of Health; denying pltfs' motion to amend the decree for the purpose of imposing certain education requirements on the WV Dept. of Education. (EOD 11/25/85) cc: atys	ras
<u>1986</u>			
n 02	402	MOTION by Pltf to Add Party Defts, with notice and certificate of service attached.	ras
n 06	403	LETTER from Freedy to Judge Copenhaver dated 01/03/86 in re order of 11/22/85, with exhibits attached.	ras
n 14	404	ORDER (2508): Setting hearing on the motion of the pltfs to add party defts. (EOD 01/15/86) cc: atys, Charlie Brown, Governor Moore, John McCuskey, Glen Gainer, Donald Kopp, A. James Manchin	ras
n 17	405	AMENDED MOTION by Pltfs to Add Party Defts, with notice and certificate of service attached.	ras
n 17	406	ORDER (2508): Setting hearing 01/23/86 @ 2:00 p.m. in re motion by pltfs to add party defts. (EOD 01/21/86) cc: atys, Charile Brown, Governor Moore, John McCuskey, Donald Kopp, Glen Gainer, A. James Manchin	ras

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PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-2099</u>
ACEL MEDLEY	LEON GINSBERG	PAGE <u>21</u> OF _____ PAGES

DATE	NR.	PROCEEDINGS	
986			
n 23	407	REPLY and DEMURRER by J. Bradley Russell, Counsel for Proposed Defts, to a Fugitive Document Entitled "Motion to Add Parties." --COPY.	ras
n 24	408	ORDER (2508): Directing pltfs to file memorandum in support of motion to add party defts on/before 02/06/86, with defts' response and of the proposed defts to be filed on/before 02/14/86, and reply thereto by pltfs to be filed on/before 02/21/86; directing the Director of the Department of Health to submit a report, on/before 02/14/86, as directed at hearing held 01/23/86. (EOD 01/30/86) cc: atys and J. Bradley Russell	ras
b 07	409	ORDER (2508): Directing pltf to file on/before 03/14/86, memorandum in support of motion to add party defts, with defts responding on/before 03/24/86, and pltfs replying on/before 03/31/86. (EOD 02/10/86) cc: atys and J. Bradley Russell	ras
o 10	410	LETTER from Heykinger to Judge Copenhaver dated 02/06/86 in re report to the court pursuant to order dated 01/24/86.	ras
o 10	411	LETTER from Freedy to Judge Copenhaver dated 02/05/86 in re status of Title XIX Waiver Application of the WV Dept. of Health.	ras
c 20	412	BRIEF by Pltfs on Joinder of Parties Needed for Enforcement of the Consent Decree.	ras
c 24	413	MOTION by Pltfs for Withdrawal of Motion in re Addition of Parties, with certificate of service attached.	ras
c 31	414	ORDER (2508): Granting pltfs' motion to withdraw their motion to join additional parties; denying pltfs' motion to hold in abeyance their motion to add as party defts Arch A. Moore and John McCuskey; denying motion of pltfs to add as party defts Arch A. Moore and John McCuskey without prejudice. (EOD 04/01/86) cc: atys	ras
y 09	415	MOTION Pltfs to Join Marshall County Board of Education and Summers County Board of Education as Parties Defendant and for an Order to Show Cause Why Tom McNeel, Superintendent of Schools, Should Not be Hold in Contempt, with notice and affidavits attached.	ras
y 09	416	BRIEF by Pltfs in Support of Motion for Order to show Cause Why Superintendent of Schools Should Not be Held in Contempt.	ras
y 13	417	ORDER (2508): Setting hearing 05/30/86 @ 1:15 p.m. in re motion to join parties and motion for order showing cause as to why Tom McNeel should not be held in contempt. (EOD 05/15/86) cc: atys, Harold B. Eagle and Thomas E. White	ras
y 21	418	MOTION/NOTICE by Pltfs for an Order of Compliance or in the Alternative for Appointment of a Monitor.	wba
y 27	419	LETTER to Gail Falk from Barbara L. Freedy in re hearing set May 30, 1986.	wba
y 27	420	ORDER(2508): Directing Deft. David K. Heydinger, M.D. file an answer to Motion on/before 06/02/86; setting hearing on pltfs Motion 06/05/86 @ 1:30 p.m. (EOD 06/04/86) cc: atys on 05/27/86.	wba

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. 78-2099 PAGE 22 OF _____ PAGES
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DATE	NR.	PROCEEDINGS	
<u>1986</u>			
May 30	421	RESPONSE by Resp.,(Tom McNeel) the State Superintendent of Schools, and MOTION to Quash, with certificate of service attached.	wba
Jun 03	422	RESPONSE by Deft.(David K. Heydinger) to Pltf's Motion for an Order of Compliance or in the Alternative for the Appointment of a Monitor, with exhibits, affidavits and certificate of service attached.	wba
Jun 11	423	ORDER (2508): Continuing hearing in re order of compliance to 07/01/86 @ 1:15 p.m. (EOD 06/13/86) cc: atys	ras
Jun 23	424	AGREED ORDER (2508): Withdrawing and dismissing motion to join the Marshal County Board of Education. (EOD 06/23/86) cc: atys	ras
Jul 02	425	ORDER (2508): Continuing hearing to 07/10/86 @ 1:45 p.m. (EOD 07/02/86) cc: atys	wba
Jul 10	426	AFFIDAVIT of Desmond Byrne.	ras
Jul 10	427	AFFIDAVIT of George W. Lilley, Jr.	ras
Jul 10	428	SUPPLEMENTAL AFFIDAVIT of George W. Lilley, Jr.	ras
Jul 11	429	ORDER (2508): Proceedings held 07/10/86; directing deft (Director of WV Dept of Health) to furnish a report describing in detail said deft's placement of Medley class members during fiscal year 1985-86 and the placement of the class members during the first several weeks of fiscal year 1986-87 by 07/28/86, etc.; said deft to file by 11/11/86 a report explaining in detail the status of ICF funding at the Colin Anderson Center and the efforts undertaken to obtain or maintain such funding; continuing hearing to 11/18/86 @ 1:15 p.m. (EOD 07/14/86) cc: atys	ras
Jul 30	430	LETTER from Freedy to Clerk dated 07/28/86 in re Report of the WV Dept. of Health Regarding Medley Class Member Placements and Reinstitutionalizations for Fiscal Year 1985-86 and projected Placements (Quarterly) for Fiscal year 1986-87, with said report attached.	ras
Jul 31	431	LETTER from Freedy to Clerk dated 07/29/86 in re Clarification of the WV Dept of Health Report, Medley Class Member Placements and Reinstitutionalizations for Fiscal Year 1985-1986 and Projected Placements (Quarterly) for Fiscal Year 1986-1987.	ras
Aug 26	432	WITHDRAWAL by Charlie Ray Halsey of Motion to Join Summers County Board of Education as a Party Deft.	ras
Sep 08	433	ORDER (2508): Deeming as withdrawn the motion of Charlie Ray Halsey to join the Summers County Board of Education as a party deft. (EOD 09/09/86) cc: atys	ras
Oct 02	434	LETTER from Freedy to Judge Copenhaver dated 09/29/86 to be construed as the Dept. of Health's report to explain in detail the status of ICF/[MR] funding at Colin Anderson Center and the efforts to obtain or maintain such funding.	ras

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. <u>78-2099</u> PAGE <u>23</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS	
<u>1986</u>			
Nov 03	435	MOTION by Pltfs for an Order of Contempt or in the Alternative for Compliance, with notice, exhibits and certificate of service attached.	ras
Nov 17	436	MOTION/NOTICE by Deft(WV Health and Human Services) to Dismiss with MEMORANDUM and Supporting Affidavits.	wba
Nov 17	437	AFFIDAVIT of Jonalu Johnstone.	wba
Nov 17	438	AFFIDAVIT of Robert H. Hansen.	wba
Nov 20	439	ORDER (2508): Setting a conference 11/25/86 @ 1:15 p.m. in re motion by pltfs for contempt and the motion of the deft to dismiss; directing counsel to meet prior to the hearing and conduct negotiations looking toward a settlement of disputes. (EOD 11/21/86) cc: atys	ras
Nov 24	440	TRANSCRIPT OF PROCEEDINGS held 11/18/86 before Judge Copenhaver (Steinke).	ras
Nov 26	441	ORDER (2508): Continuing conference scheduled 11/25/86 to 12/11/86 @ 2:15 p.m. (EOD 11/26/86) cc: atys	ras
Dec 04	442	MOTION by Association of Mental Health/Mental Retardation Programs of West Virginia to Intervene, with proposed response to motion for an order of contempt and certificate of service attached.	ras
Dec 09	443	NOTICE OF HEARING by Association of Mental Health/Mental Retardation Programs of West Virginia, Inc. in re Previously Filed Motion for Leave to Intervene, with certificate of service attached.	ras
Dec 10	444	POSITION STATEMENT of the WV Dept. of Health Regarding the Status of the Medley Case Management Services.	ras
Dec 16	445	AMENDED AFFIDAVIT of Robert H. Hansen.	ras
Dec 16	446	SECOND AFFIDAVIT of Robert H. Hansen.	ras
Dec 19	447	ORDER (2508): Directing deft (Heydinger) to submit by 12/22/86 a report noting the number of pltfs who have been placed, the number reinstitutionalized and the number currently needing placement; said deft to furnish by 05/01/87 a report regarding proposed fiscal year 1987-88 contract renewals for the fifteen Community Mental Health Centers with respect to Medley case management services. (EOD 12/19/86) cc: atys	ras
Dec 22	448	MEMORANDUM ORDER (2508): Denying without prejudice the motion of the pltfs for an order of contempt; denying motion the the deft (Heydinger) to dismiss the motion of the pltfs; denying motion of the Association of Mental Health/Mental Retardation Programs of West Virginia to intervene; etc. (EOD 12/22/86) cc: atys, Irene M. Keeley for proposed intervenor	ras
Dec 23	449	MEDLEY CLASS MEMBER STATUS REPORT by Defts.	ras
<u>1987</u>			
Jan 05	450	MEMORANDUM from Barbara Freedy in re Minutes of In Chambers Conference Hled 12/16/86.	ras

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. 78-2099 PAGE 24 OF PAGES
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DATE	NR.	PROCEEDINGS	
1987			
Jan 08	451	MOTION by Pltfs for Award of Atty Fees, with notice and certificate of service attached.	ras
Jan 15	452	UPDATED INFORMATIO from Barbara L. Freedy on Medley Class Member Placements to Date in the Second Quarter of Fiscal Year 1986-87.	ras
Jan 22	453	RESPONSE of Association of Mental Health/Mental Retardation Providers of West Virginia to Request for Atty's Fees.	ras
Feb 26	454	LETTER from Freedy to Judge Copenhaver dated 02/23/87 in re response regarding the Fiscal Year 1987-88 Medley Budget.	ras
Mar 13	455	ORDER (2508): Awarding atty's fees in the amount of \$250.00 to pltfs' counsel; order shall not stand as a precedent upon which pltfs may rely should they later assert a claim for atty's fees in the underlying case against the Association of Mental Health/Mental Retardation Programs of West Virginia; etc. (EOD 03/13/87) cc: atys	ras
Mar 31	456	MOTION by Pltfs for an Order Seeking Compliance with the Consent Decree or in Lieu Thereof an Order for Contempt, with exhibits, notice and certificate of service attached.	ras
Apr 08	457	ORDER (2508): Setting out agreement in re motion for an order seeking compliance of the consent decree or in lieu thereof an order of contempt against the deft (Lipscomb); etc. (EOD 04/09/87) cc: atys	ras
Apr 29	458	MOTION by Pltfs for an Order Seeking Compliance with the Consent Decree, with notice and certificate of service attached.	ras
May 04	459	PROGRESS REPORT by Deft Regarding Medley Project Case Management System Action Plan, with exhibit.	ras
May 07	460	RESPONSE by Deft (WV Dept. of HHS) to Petitioner's Motion for an Order Seeking Compliance with the Consent Decree.	ras
May 13	461	ORDER (2508): Setting out terms of settlement by parties as to certain issues in re group homes and reimbursement of same. (EOD 05/13/87) cc: atys	ras
Jun 01	462	MOTION by Pltfs for an Order Seeking Compliance with the Consent Decree, with notice of motion and certificate of service attached.	ras
Jun 05	463	ORDER (2508): Rescheduling a hearing on the motion by pltfs for an order seeking compliance with the consent decree for 06/30/87 @ 1:30 p.m. (EOD 06/05/87) cc: atys	ras
Jun 16	464	MOTION by Carol Monigold and Bobby L. Monigold to Reinstate Robert L. Monigold to Medley Class Membership, with certificate of service attached.	ras
Jun 30	465	ORDER (2508): Setting out items to be included in the reimbursement regulations for ICF/MR Intermediate Care Facilities; said items to be incorporated by the Dept. of Human Services into the State's Medicaid Plan by 07/01/87; matter of capital cost reimbursement to be a subject of future negotiation; foregoing resolves all matters in dispute re motion of 06/01/87 excepting matter of capital cost reimbursement. (EOD 07/01/87)	ras

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. 78-2099 PAGE 25 OF _____ PAGES
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DATE	NR.	PROCEEDINGS	
<u>1987</u>			
Jul 09	466	ORDER (2508): Reinstating Robert L. Monigold into the class to be subject to the benefits, services, and procedures specified in the Consent Decree in this action. (EOD 07/09/87) cc: atys	ras
Jul 16	467	MOTION by Pltfs for an Order of Contempt or in Lieu Thereof for an Order of Compliance, with notice and certificate of service attached.	ras
Jul 17	468	MEMORANDUM from Freedy to Hedges dated 07/16/87 in re Medley Class Placements for the Last Two Quarters of Fiscal Year 1986-87 (Jan. 1 thru June 30, 1987).	ras
Jul 21	469	NOTICE TO TAKE DEPOSITIONS of Steve Wiseman and Jonalu Johnstone.	ras
Jul 27	470	CORRESPONDENCE and Attachment supplied by W.V. Dept of Health to Plaintiff's counsel.	rap
Jul 29	471	RESPONSE by Deft, (WV Dept. of Health) to Pltf's July 16, 1987, Motion for an Order of Contempt or in Lieu thereof for and Order of Compliance, with exhibits attached.	wba
Jul 31	472	ORDER (2508): Continuing hearing set for 07-30-87 to 08-13-87 @ 2:00 p.m. (EOD 07-31-87) cc: attys	wba
Jul 31	473	ORDER (2505): Implementating the Decree as to five issues.(EOD 07-31-87) cc: attys	wba
Aug 03	474	CORRESPONDENCE and ATTACHMENTS supplied by the WV Dept. of Health to Medley Pltf's Counsel in re of Order entered 07-31-87.	wba
Aug 07	475	MOTION by Pltfs for Atty Fees and Costs, with notice and certificate of service attached.	ras
Aug 07	476	PROPOSED INTERAGENCY AGREEMENT in re Role of the Medley Management Team by Deft (WV Dept of Health).	ras
Aug 11	477	RESPONSE of Deft (WV Dept of Health) to Pltfs' Motion for Atty Fees and Costs.	ras
Aug 12	478	MOTION by Deft (WV Dept. of Health) to Quash Subpoena Directed to Asst. Atty General Barbara L. Freedy, with notice and certificate of service attached.	ras
Aug 13	479	MEDLEY PLACEMENT REPORT for July, 1987 by Deft (WV Dept. of Health).	ras
Aug 13	480	REPORT by Deft (WV Dept. of Health) on Medley Placement Projections FY 87-88.	ras
	481	WITHDRAWN AS PER INSTRUCTION OF JUDGE COPENHAVER'S LAW CLERK.	

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PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. <u>78-2099</u> PAGE <u>26</u> OF _____ PAGES
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DATE	NR.	PROCEEDINGS	
1987			
Aug 21	482	ORDER (2508): Setting out rulings as to pltfs' motion for contempt or compliance; setting additional hearing 12/22/87 @ 1:15 p.m.; etc. (EOD 08/21/87) cc: atys	ras
Aug 25	483	ORDER (2508): Setting out agreements by parties furthering the implementation of the decree. (EOD 08/26/87) cc: atys	ras
Aug 28	484	ORDER (2508): Modifying paragraph numbered 2 of the order entered 08/21/87 to read as specified herein. (EOD 08/31/87) cc: atys	ras
Sep 04	485	REPORT by Defts of Unmet Needs of Medley Class Members.	ras
Sep 08	486	MOTION by Margaret Sue Kelley, Mother and Guardian of Barbara Joanne Kelley, to Reinstate Barbara Joanne Kelley to Medley Class Membership, with certificate of service attached.	ras
Sep 10	487	LETTER from Heydinger to Hedges dated 08/26/87 in re 1988 Medley Operating Budget.	ras
Oct 05	488	MEDLEY PLACEMENT REPORT by Defts for September, 1987.	ras
Oct 08	489	MEMORANDUM from Freedy to Culhane dated 10/07/87 in re telephone conversation of 10/06/87 centering around the status of the contract for case management services at FMRS Mental Health Council, Inc.	ras
Oct 15	490	NEEDS ASSESSMENT by Deft of Medley Class Members.	ras
Oct 20	491	MEDLEY PLACEMENT REPORT by Defts for August, 1987.	ras
Oct 22	492	AFFIDAVIT by Daniel F. Hedges in Support of Motion for Atty's Fees from the Department of Health.	ras
Oct 23	493	CORRECTED ATTACHMENTS to the Nees Assessment Report by Deft.	ras
Oct 28	494	ORDER (2508): Setting out resolutions of certain issues raised in pltfs' motion for an order of contempt or in lieu thereof for an order of compliance; setting a conference 11/18/87 @ 3:30 p.m. in re pltfs' atty's fees related to said motion. (EOD 10/28/87) cc: atys	ras
Oct 28	495	MEMORANDUM from Freedy to Hedges in re 1986-87 Medley Project fund expenditures.	ras
Nov 04	496	MEMORANDUM to Judge Copenhaver from Freedy dated 10/30/87 in re Medley Class Member placement projections.	ras
Nov 06	497	LETTER from Heydinger to Sturey dated 11/04/87 in re ability to commit up to 1.4 million additional dollars to supplement that which was passed through the legislature.	ras
Nov 09	498	MEDLEY PLACEMENT REPORT by Defts for October, 1987.	ras

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PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. 78-2099 PAGE <u>27</u> OF _____ PAGES
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DATE	NR.	PROCEEDINGS	
<u>1987</u>			
Nov 12	499	BRIEF of Deft (WV Dept of Health) on the Matter of Pltfs' Atty's Fees Incurred in Connection with their 07/16/87 Motion.	ras
Nov 16	500	ORDER (2508): Reinstating Barbara Joanne Kelley into the class and subject to benefits, services and procedures specified in the consent decree in the action. (EOD 11/16/87) cc: atys	ras
Nov 17	501	AFFIDAVIT of Daniel F. Hedges.	ras
Nov 17	502	MEMORANDUM by Pltfs in Support of Motion for Atty's Fees and Costs.	ras
Nov 18	503	MEMORANDUM by Deft to Judge Copenhaver dated 11/18/87 in re Pltfs' Motion for Atty's Fees and Costs.	ras
Dec 03	504	MEMORANDUM by Deft to Judge Copenhaver dated 11/25/87 in re update on the placement of 50 Medley class members during fiscal year 1987-88.	ras
Dec 07	505	MOTION by Pltfs, with certificate of service attached.	ras
Dec 07	506	NOTICE TO TAKE DEPOSITIONS of Regina Lipscomb, John Burdette, Beverly Darnold, Helen Condry, Corky DeMarco.	ras
Dec 08	507	ORDER (2508): Directing that the West Virginia Department of Health shall pay the sum of \$6,425.00 to Appalachian Research and Defense Fund, Inc. in full satisfaction of the motion for atty fees against the Department of Health relative to the motion of July 16, 1987. (EOD 12/09/87) cc: atys	ras
Dec 08	508	MOTION by Deft (Lipscomb) for a Protective Order, with certificate of service attached.	ras
Dec 08	509	MEMORANDUM OF LAW by Deft (Lipscomb) in Support of Motion for a Protective Order.	ras
Dec 09	510	MEDLEY PLACEMENT REPORT for November, 1987.	ras
<u>1988</u>			
Jan 29	511	NOTICE OF APPEARANCE by J. Bradley Russell and Nora Marie Antlake as Counsel for Deft (WV Dept of Health).	ras
Mar 17	512	RESPONSE by Deft (WV Dept of Health) to the Motion Requesting That James Miller be Determined a Medley Class Member.	ras
Mar 21	513	MOTION/NOTICE by Pltf for an Order or Contempt or in the Alternative Seeking Compliance with the Consent Decree, with certificate of service attached.	wba
Mar 24	514	RESPONSE by Deft (Lipscomb) to Pltfs' Motion for an Order of Contempt or in the Alternative Seeking Compliance with the Consent Decree.	ras
May 19	515	NOTICE TO TAKE DEPOSITIONS Of John Burdette, Regina Lipscomb, Gary Dodge, Carl Valentine, William Copeland, Bruce Copeland and Linda Glenn.	ras
May 19	516	ORDER (2508): Re pltfs' motion for an order of compliance; parties to review issues raised relative to federal regulations under the Medicaid Program and the current state plan; Dept of Human Services intends to propose to pltfs' counsel long-term changes for the rate of determination policies ; providers and consultants of the Dept of Health and the WV Dept of Human Services to have an opportunity for structured input; etc. (EOD 05/23/88) cc: atys	ras

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PLAINTIFF MACEL MEDLEY	DEFENDANT LEON GINSBERG	DOCKET NO. 78-2099 PAGE 28 OF ____ PAGES
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DATE	NR.	PROCEEDINGS	
1988			
Jun 02	517	MEMORANDUM OF UNDERSTANDING by Parties.	ras
Jul 06	518	MOTION by Pltfs for an Order of Contempt or in the Alternative Seeking Compliance with the Consent Decree, with notice and certificate of service.	ras
Jul 18	519	RESPONSE by Deft (Lipscomb) to Pltfs' Motion for an Order of Contempt or in hte Alternative Seeking Compliance with the Consent Decree.	ras
Jul 18	520	TRANSCRIPT OF PROCEEDINGS held 07/10/88 before Judge Copenhaver--STEINKE.	ras
Jul 20	521	RESPONSE by Deft (WV Dept of Health) to Pltf's Motion for an Order of Contempt or in the Alternative Seeking Compliance with the Consent Decree.	ras
Jul 27	522	ORDER (2508): Setting a hearing 08/19/88 @ 2:00 p.m. re pltfs' motion to for contempt or, in the alternative, seeking compliance with the consent decree. (EOD 07/28/88) cc: atys	ras
Sep 13	523	EXPENDITURE REPORTS by Pltf.	ras
Sep 16	524	ORDER (2508): Directing the Dept of Health to provide \$5.2 million from its fiscal year 1988-89 budget to the Medley Management Team for Medley implementation; the amount of monies available to the Medley Management Team to be made known to it by the representative agencies on/before 07/01 of each fiscal year, with the provision being contingent upon the Legislature's budget and approval of the budget by the Governor. (EOD 09/16/88) cc: atys	ras
Sep 27	525	EXPENDITURE REPORTS by Potomac Highlands Guild Submitted by Deft.	ras
Sep 29	526	EXPENDITURE REPORTS by Potomac Highlands Guild Submitted by Deft.	ras
Oct 07	527	NOTICE OF APPEARANCE by F. Winston Polly and Nora M. Anglake.	ras
Nov 16	528	EXPENDITURE REPORT by Pltf.	ras
Nov 21	529	MOTION by Pltfs for an Order of Compliance with the Consent Decree, with notice and certificate of service attached.	ras
Dec 16	530	ORDER (2508): Granting motion by deft for enlargement to time to file a response; said response to be filed on/before 12/30/88. (EOD 12/16/88) cc: atys	ras
Dec 19	531	MOTION by Pltfs for an Order of Contempt and Compliance, with exhibits, notice and certificate of service attached.	ras
Dec 19	532	NOTICE OF MOTION by Pltfs re Motion for an Order of Compliance with the Consent Decree.	ras
Dec 23	533	RESPONSE by Deft (WV Dept of Health) to Motion for order of Compliance with Consent Decree.	ras

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DATE	NR.	PROCEEDINGS	
<u>1989</u>			
Jan 03	534	MOTION by Pltfs' Counsel for Award of Partial Interim Atty Fees, with affidavits, notice and certificate of service attached.	ras
Jan 03	<u>535</u>	MOTION by Pltfs for an Order of Compliance with the Consent Decree, with notice and certificate of service attached.	ras
Jan 13	<u>536</u>	RESPONSE by Deft to Motion for Order of Compliance of Consent Decree.	ras
Jan 18	537	NOTICE OF HEARING by Pltfs re Motion for an Order of Compliance with Consent Decree.	ras
Jan 19	538	NOTICE OF APPEARANCE by Janet Frye Steele and Donald L. Hall as Counsel for Deft (WV Dept. of Human Services).	ras
Jan 19	<u>539</u>	RESPONSE by Deft (WV Dept. of Human Services) to Motion for Order of Compliance of Consent Decree Regarding Medicare Catastrophic Coverage Act of 1988.	ras
Jan 19	540	RESPONSE by Defts (State Defts) to Motion for Atty Fees.	ras
Jan 19	541	RESPONSE by Deft (WV Department of Health) to Pltfs' Motion for an Order of Compliance.	ras
Jan 19	<u>542</u>	MOTION by Defts (State Defts) for Production of Documents, with notice and certificate of service attached.	ras
Jan 19	543	ORDER (2508): Allowing David D. Johnson of JACKSON & KELLY to remove the case file from the Clerk's Office for the purpose of photocopying same. (EOD 01/21/89)	ras
Jan 21	544	RECEIPT: Indicating case file removed from Clerk's Office on 01/19/89 @ 11:15 a.m. and returned on 01/21/89 @ approx. 3:30 p.m.	ras
Feb 02	<u>545</u>	AMENDED MOTION by Pltfs for an Order of Compliance with the Consent Decree, with notice and certificate of service attached.	ras
Feb 03	<u>546</u>	MOTION by Pltfs for an Order of Contempt or for an Order of Compliance with the Consent Decree, with certificate of service attached.	ras
Feb 09	<u>547</u>	RESPONSE by Deft (WVDH) to Pltfs' Amended Motion for an Order of Compliance with the Consent Decree and MOTION for Continuance, with notice and certificate of service attached.	ras
Feb 16	<u>548</u>	RESPONSE by Deft (Commissioner, WV Dept. of Human Services) to Motion for an Order of Compliance of Consent Decree Regarding Alleged Late Payments to Providers.	ras
Feb 21	<u>549</u>	RESPONSE by Deft (WV Department of Health) to Pltfs' Motion for an Order of Contempt or for an Order of Compliance with the Consent Decree.	ras

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CIVIL DOCKET CONTINUATION SHEET

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DATE	NR.	PROCEEDINGS	
<u>1989</u>			
Mar 01	550	ORDER (2508): Directing educational personnel, for purposes of and use in this case only, shall make available student, educational, health and other service records and information concerning Medley class members to Medley counsel, Medley Advocates, and contracted case management providers; etc. (EOD 03/01/89) cc: atys	ras
Mar 02	551	SUPPLEMENTARY AFFIDAVIT OF COSTS by Kerry K. LeMasters of Appalachian Research and Defense Fund.	ras
Mar 03	552	ORDER (2508): Directing Dept. of Human Services to take action to assure that all payments to community behavioral health centers be mailed to centers within 30 days of receipt of billings; directing Dept. of Human Services to take action to assure that payments to specialized care providers be mailed to providers on/before 26th of each month for billings received by 6th day of that month. (EOD 03/07/89) cc: atys	ras
Mar 07	553	MEMORANDUM OF LAW by Deft in Matter of Pltfs Atty's 12/29/88 Motion for Award of Partial Interim Atty Fees.	ras
Apr 04	554	ORDER (2508): Directing that the "Shawnee Hills Case Management Report and Corrective Action Plan", as attached as Exhibit A and incorporated herein by reference, be followed. (EOD 04/04/89) cc: atys	ras
Apr 07	555	NOTICE OF APPEARANCE by Basil R. Legg, Jr. as Counsel for John Pisapia, State Superintendent of Schools, WV Dept. of Education.	ras
Apr 07	556	STIPULATIONS and OBJECTIONS by Deft (WV Dept. of Health).	ras
Apr 07	557	ORDER (2508): Directing that copies of all orders hereafter entered be forwarded to Gail Falk, Office of Court Monitor, 111 Court Street, Room 519, Charleston, West Virginia 25301; all future pleadings, motions, memoranda to also be forwarded to Ms. Falk. (EOD 04/10/89) cc: as directed	ras
Apr 13	<u>558</u>	NOTICE AND MOTION by Pltfs For An Order of Compliance with Consent Decree.	rap
Apr 14	<u>559</u>	NOTICE AND AMENDED MOTION by Pltfs for an Order of Implementation of the Consent Decree or in the Alternative for Appointment of a Monitor -- hearing noticed for 2 p.m. on April 21, 1989.	rap
Apr 20	<u>560</u>	ANSWER by Deft (Miller) to Amended Motion for Order of Implementation of the Consent Decree or in the Alternative for the Appointment of a Monitor, with certificate of service attached.	ras
Apr 21	<u>561</u>	RESPONSE by Deft (WV Dept. of Health) to Pltfs' Motion for an Order of Implementation of the Consent Decree or in the Alternative for the Appointment of a Monitor.	ras
Apr 21	562	RESPONSE by Deft (Pisapia) to the Amended Motion for an Order of Implementation of the Consent Decree or, in the Alternative for the Appointment of a Monitor.	ras

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DATE	NR.	PROCEEDINGS	
1989			
Jul 21	563	ORDER (2508): Setting hearing on pltfs' motion for award of interim atty fees 07/26/89 @ 2:30 p.m. cc: atys	ras
Jul 24	564	NOTICE OF DEPOSITION: Pltfs to depose Randall R. Broyles on 8-1-89.	rap
12-15-89	565	ORDER (2508): defts to pay to pltf's counsel the following sums: \$33,333.00 due 9-15-89; \$33,333.00 due 9-15-90; \$33,334.00 due 9-15-91; annual payments to be divided amont the defts as follows: \$10,000 from each of the Depts of Ed & Human services, & \$13,333 from the Dept of Health. Any further claims for attorney fees & costs for the yrs 1989 & 1990 due 1-30-91, and within thiry days of the close of each calendar year thereafter. cc: counsel. (EOD 12-15-89).	nfs
12-15-89	566	ORDER (2508): Filing affidavit of Gail Falk, together with accompanying resume; C. Cooper Fulton is the individual referred to in paragraph 14 of the affidavit who rendered 192 hours of services during yrs 1982 and 1984. cc: atys (EOD 12-18-89)	ras
12-15-89	567	AFFIDAVIT of Gail Falk. (Filed per order of even date.)	ras
5-29-90	568	MOTION by pltf for order of compliance and implementation with notice and cert/serv. attached.	nfs
6-28-90	569	RESPONSE by deft (WV Dept of Health & Human Resources) to pltf's motion for order of compliance and implementation with exhibts and cert/serv. attached.	nfs
1-04-91	570	NOTICE by Pltf for Motion for Partial Interim Award of Attorney Fees.	rac
1-04-91	571	MOTION by Pltf for Award of Parital Interim Attorney Fees.	rac
1-04-91	572	AFFIDAVIT by Pltf in Support of Motion for Partial Interim Attorney Fees.	rac
1-07-91	573	AFFIDAVIT by Pltf in Support of Motion for Partial Interim Attorney Fees.	rac
1-24-91	574	RESPONSE by Deft to Motion for Award of Partial Interim Attorney Fees.	rac
2-06-91	575	ANSWER by Deft Henry Marockie to Motion for Award of Partial Interim Attorney Fees.	rac
4-22-91	576	MOTION by Pltf for inclusion of the following individuals as class members: Hazel Jeanette Floyd, David Junior Hawkinberry and Pamela Fay Richards.	rac
4-22-91	577	ORDER (2508): Hazel Jeanette Floyd, David Junior Hawkinberry and Pamela Fay Richards shall be included into the Pltf class and subject to the benefits, services & procedures specified in the Consent Decree in this action. cc: atys (EOD 04-22-91).	rac
-15-92	578	SUPPLEMENTARY MOTION by Pltfs for Award of Partial Interim Attorney Fees, with NOTICE attached.	rac

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DATE	NR.	PROCEEDINGS	
		THIS CASE WAS CLOSED BEFORE BEING ENTERED COMPLETELY INTO THE AUTOMATED SYSTEM.	
01/15/92	579	AFFIDAVIT by Daniel F. Hedges in Support of Motion for Partial Interim Attorney Fees.	rac
01/22/92	580	RESPONSE by Deft to Supplemental Motion for Award of Partial Interim Attorney Fees.	rac
./11/93	581	AGREED ORDER(2508): mooting [578-1] motion for Award of Partial Interim Attorney Fees, mooting [571-1] motion for Award of Partial Interim Attorney Fees; The Dept. of Health & Human Resources shall pay to the Pltfs the sum of \$13,775.00 & the Dept of Education shall pay the Pltfs the sum of \$6,475.00. Said sums shall be paid on or before 03-15-93; these payments shall constitute complete & full payment of attorney fees for the calendar years of 1989, 1990 1991 & 1992. (EOD 01-11-93) (cc:atys)	rac
12/02/93	582	NOTICE AND MOTION by Pltfs for an Order of Compliance.	rac
2-20-93	583	RESPONSE by Deft, WV Dept of Education to a motion for an order of compliance.	rac
2-20-93	584	NOTICE OF SUBSTITUTION OF COUNSEL by Deft, WV Dept of Education adding Paul E. Jordan, Senior Assistant Attorney General as counsel for said Deft.	rac
2-20-93	585	RESPONSE by Deft, Panepinto to Pltfs' Motion for an Order of Compliance.	rac
1-07-94	586	NOTICE & SUPPLEMENTARY MOTION by Pltfs for Award of Partial Interim Attorney Fees.	rac
1-07-94	587	AFFIDAVIT by Pltfs in support of Motion for partial interim attorney fees.	rac
03-17-94	588	AGREED ORDER(2508): mooting [586-1] supplemental amended motion for Partial Interim Award of Attorney Fees; the Dept of Health & Human Resources shall pay to Appalachian Research & Defense Fund, the sum of \$1,872.00 & that the Dept. of Ed. shall pay to Appalachian Research & Defense Fund the sum of \$624.00 etc. (cc:atys) (EOD 03-17-94).	rac
4-04-94	589	RETURN: Agreed Order entered 03-17-94 and forwarded to Gail Falk at 519 Court Street, Charleston, WV 25301 returned by the U. S. Postal Service marked "Returned to Sender, No Such Number."	rac
4-05-94	---	FORWARDED Agreed Order entered 03-17-94 to Gail Falk at Route 1, Box 1244, Montpelier, VT 05602 per conversation with receptionist at Appalachian Research & Defense Fund, Inc.	rac
4/21/94	590	ORDER: The parties have reached an agreement on [582-1] motion for an Order of Compliance; the specific terms of the agreement are fully described within the Order. (signed by Judge John T. copenhaver, Jr.) (cc: atys)	rac

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF <p style="text-align: center;">MACEL MEDLEY</p>	DEFENDANT <p style="text-align: center;">LEON GINSBERG et al.,</p>	DOCKET NO. <u>78-2099</u> PAGE <u>33</u> OF ____ PAGES
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DATE	NR.	PROCEEDINGS	
9/23/94	591	NOTICE & MOTION by WV Dept of Health & Human Resources to Modify Reimbursement Methodology.	rac
12/30/94	592	AGREED ORDER(2508): The Deft shall pay to the Pltfs the sum of \$1,637.50 for 13.1 hours at \$125.00, which shall constitute complete & full payment of attorney fees for the calendar year 1994. (EOD 12/30/94)	rac
01/03/95	593	NOTICE & MOTION by Pltfs for Enforcement of Decree.	rac
01/04/95	594	MEMORANDUM by Macel Medley, Nancy Barchart in support of [593-1] motion for enforcement of decree.	rac
01/20/95	595	RESPONSE BY All Defts to Pltfs, Medley & Barchart's [593-1] motion for enforcement of decree.	rac
08/08/95	596	ORDER(2508): granting [591-] motion to modify reimbursement methodology the management incentive is deleted & removed from the reimbursement methodology; the cost upper limits will be based on an assumed occupancy of ninety-five percent occupancy on a calendar year of 354 days; the matter set forth in paragraphs, 1,2 & 3 of this Order may be incorporated by the Dept of Health and Human Resources in to the State's Medical Plan w/out additional publication of Notice. (EOD 08/10/95) (cc: atys)	rac