IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

ALABAMA DISABILITIES ADVOCACY PROGRAM)	
Plaintiff,)	
v.)	Civil Action No. 2:07-CV-434-MHT
J. WALTER WOOD, JR. in his official)	2.07-C V-454-WIII
Capacity as Executive Director of the	Ĵ	
Alabama Department of Youth Services,)	
Defendant.)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

- 1. Plaintiff, Alabama Disabilities Advocacy Program ("ADAP"), moves for Summary Judgment against J. Walter Wood, Jr., in his official capacity as Executive Director of Alabama Department of Youth Services ("DYS"). Grounds supporting this motion are as follows.
 - a. No genuine issue of material fact exists to show that Defendant has provided Plaintiff access to incident reports and investigative findings prepared by DYS or any outside agency regarding abuse and neglect concerns raised on behalf of the following ADAP clients: W.B., H.M., K.W., J.C., B.P., and S.B.
 - b. Plaintiff has legal authority to obtain records under the Protection and Advocacy for Individuals with Mental Illness Act of 1986, 42 U.S.C. 10801, et seq., and the Developmental Disabilities Act Developmental Disabilities Assistance and Bill of Rights Act of 1975, 42 U.S.C. § 6041, et seq., and such federal authority preempts

any state confidentiality laws or attorney work-product privileges asserted by the Defendant.

c. Plaintiff files simultaneously a separate memorandum of law in support of, and hereby incorporates that memorandum as part of, this motion.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Motion for Summary Judgment.

Respectfully Submitted,

/s/ James A. Tucker
James A. Tucker
Alabama Disabilities Advocacy Program
University of Alabama
Box 870395
Tuscaloosa, AL 35487
(205) 348-4928 (Phone)
(205) 349-3909 (Facsimile)
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notice of such filing to the following attorneys of record for the defendants:

Mr. Dudley Perry Jr. General Counsel Alabama Department of Youth Services PO Box 66 Mount Meigs, AL 36057-0066

> /s/ James A. Tucker James A. Tucker