

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:10-cv-123-JAB**

CLINTON L., by his guardian )  
and next friend CLINTON L., )  
SR., and TIMOTHY B. by his )  
guardian and next friend ROSE )  
B., VERNON W., by his )  
guardian and next friend, )  
VERNON D.W., STEVEN C., )  
JASON A. by his guardian and )  
next friend Brenda A., and )  
DIANE D. by her guardian and )  
next friend THOMAS SMITH )

Plaintiffs, )

v. )

LANIER CANSLER, in his )  
official capacity as Secretary of )  
the Department of Health and )  
Human Services, and DAN )  
COUGHLIN, in his official )  
capacity as CEO and Area )  
Director of the Piedmont )  
Behavioral Healthcare Local )  
Management Entity )

Defendants, )

**DEFENDANT CANSLER'S  
MOTION FOR SUMMARY  
JUDGMENT  
Fed. R. Civ. P. 56**

Lanier Cansler, in his official Capacity as Secretary of the North Carolina Department of Health and Human Services, by and through his attorneys, Roy Cooper, Attorney General of the State of North Carolina, Lisa G. Corbett and Richard E. Slipsky, Special Deputy Attorneys General,

respectfully moves this Court for summary judgment on all claims, on the grounds that the pleadings, depositions, and sworn testimony of the witnesses show that there is no genuine issue as to any material fact and that Defendant is entitled to judgment on each claim as a matter of law pursuant to Fed. R. Civ. P. 56. Defendant Cansler is filing with this motion his memorandum in support and, in addition, joins and adopts the motion and memorandum by Defendant Coughlin which will be filed today.

WHEREFORE , Defendant Cansler prays the Court to grant summary judgment in his favor as to all claims.

Respectfully submitted, this the 17<sup>th</sup> day of January, 2012.

Roy Cooper  
Attorney General

/s/ Lisa G. Corbett  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on this day, January 17, 2012, I electronically filed the forgoing DEFENDANT CANSLER'S MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: John R. Rittelmeyer, Andrew B. Strickland and Jennifer L. Bills, attorneys for Plaintiff; and Stephen D. Martin and Wallace C. Hollowell, III, attorneys for Defendant Coughlin. I hereby certify that I have mailed the document to the following non CM/ECF participants: none.

/s/Lisa G. Corbett  
Lisa G. Corbett  
Special Deputy Attorney General