

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CLINTON L., et al.,

Plaintiffs,

vs.

LANIER CANSLER, et al.,

Defendants.

Civil Action No. 1:10-cv-123-JAB

DEFENDANT COUGHLIN'S
MOTION FOR SUMMARY
JUDGMENT

Defendant Dan Coughlin (“Coughlin”), by and through his respective undersigned attorneys, pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1 (MDNC) respectfully submits this motion for the entry of summary judgment in his favor on Plaintiffs’ claims for relief. As will be shown by the pleadings; the discovery materials on file; and the exhibits attached hereto (which the undersigned certifies are true and accurate copies of documents produced in discovery), there is no issue as to any material fact on Plaintiffs’ claims for relief, and Defendant Coughlin is entitled, as a matter of law, to judgment on these claims.

In support of this Motion, Defendant Coughlin refers to, and incorporates herein by reference, Exhibits 1-8 attached hereto and identified as follows:

Exh. 1 – Declaration of Anna Yon

Exh. 2 – Declaration of Donna Brock

Exh. 3 – Declaration of LaTasha S. Earl

Exh. 4 – Declaration of Christy Shaver

Exh. 5 – Expert Report of Bonny J. Forrest, J.D., Ph.D.

Exh. 6 – Expert Report of Craig B. Hummel, M.D.

Exh. 7 – Agreement between North Carolina Department of Health and Human Services, Division of Mental Health/Developmental Disabilities/Substance Abuse Services and PBH

Exh. 8 – Amendment to Agreement attached as Exhibit 7.

Exh. 9 – Excerpts of Deposition of Rose B. (Nov. 8, 2011)

Exh. 10 – Excerpt of Deposition of Brenda A. (Nov. 15, 2011)

Exh. 11 – Excerpts of Deposition of Steven C. (Nov. 21, 2011)

Exh. 12 – Excerpts of Deposition of Lillian L. (Nov. 22, 2011)

Exh. 13 – Excerpts of Deposition of Melissa Covert (Nov. 29, 2011)

Exh. 14 – Excerpts of Deposition of Dr. James Bodfish (Dec. 13, 2011)

Exh. 15 – Excerpts of Deposition of Anna Yon (Dec. 15, 2011)

Defendant Coughlin also refers to and incorporates by reference a Memorandum in Support of his Motion for Summary Judgment, filed contemporaneously herewith.

WHEREFORE, Defendant Dan Coughlin requests the Court enter summary judgment in his favor on Plaintiffs' Claims in the Second Amended Complaint [D.E. 39] and to grant such other relief as the Court deems just and proper.

Respectfully submitted, this the 17th day of January, 2012.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Stephen D. Martin

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Counsel for Defendant Dan Coughlin

CERTIFICATE OF SERVICE

I, the undersigned attorney of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendant Dan Coughlin do hereby certify that on January 17, 2012, I electronically filed the foregoing DEFENDANT COUGHLIN'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:

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