

CLOSED

**U.S. District Court
District of South Carolina (Charleston)
CIVIL DOCKET FOR CASE #: 2:17-cv-01346-RMG**

AW et al v. Magill et al
Assigned to: Honorable Richard M Gergel
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 05/24/2017
Date Terminated: 02/27/2019
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff

AW
deceased
TERMINATED: 02/25/2019

represented by **Dana Woodrum Lang**
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TERMINATED: 02/21/2019
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TERMINATED: 02/21/2019
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Plaintiff

WL

*on behalf of themselves and all others
similarly situated*

represented by **Dana Woodrum Lang**
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TERMINATED: 02/21/2019
LEAD ATTORNEY

Kathryn Susan Mansfield
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Sean Houseal
(See above for address)
TERMINATED: 02/21/2019
LEAD ATTORNEY

Plaintiff

RC

*on behalf of themselves and all others
similarly situated*

represented by **Dana Woodrum Lang**
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TERMINATED: 02/21/2019
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Kathryn Susan Mansfield
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Sean Houseal
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TERMINATED: 02/21/2019
LEAD ATTORNEY

Plaintiff

MJ
on behalf of themselves and all others
similarly situated

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TERMINATED: 02/21/2019
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Sean Houseal
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TERMINATED: 02/21/2019
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Plaintiff

CM
on behalf of themselves and) all others
similarly situated

represented by **Dana Woodrum Lang**
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TERMINATED: 02/21/2019
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TERMINATED: 02/21/2019
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Plaintiff

HH
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similarly situated

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TERMINATED: 02/21/2019
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Sean Houseal
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TERMINATED: 02/21/2019
LEAD ATTORNEY

Plaintiff

**Protection and Advocacy for People
with Disabilities Inc**
a South Carolina non-profit corporation

represented by **Mark J Murphy**
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Maura Martin Klugman
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V.

Defendant

Mark W Binkley
*in his official capacity as the Interim
Director of the SC Department of Mental
Health*

represented by **Andrew F Lindemann**
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Defendant

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represented by **Andrew F Lindemann**
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 ATTORNEY TO BE NOTICED

William Henry Davidson , II
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 TERMINATED: 04/19/2018
 LEAD ATTORNEY

Joel Steve Hughes
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 ATTORNEY TO BE NOTICED

Defendant

South Carolina Mental Health Commission, The

represented by **Andrew F Lindemann**
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William Henry Davidson , II
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 TERMINATED: 04/19/2018
 LEAD ATTORNEY

Joel Steve Hughes
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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/24/2017	<u>1</u>	COMPLAINT against Protection and Advocacy for People with Disabilities Inc, South Carolina Department of Mental Health, The (Filing fee \$ 400 receipt number 0420-7170359.), filed by HH, RC, CM, AW, MJ. Service due by 8/22/2017 (egra,) (Entered: 05/24/2017)
05/24/2017	<u>2</u>	Summons Issued as to John H Magill, South Carolina Department of Mental Health, The. (Attachments: # <u>1</u> SC Dept of Mental Health) (egra,) (Entered: 05/24/2017)
05/24/2017	<u>4</u>	Local Rule 26.01 Answers to Interrogatories by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC. (egra,) (Entered: 05/24/2017)
05/24/2017	<u>5</u>	MOTION FOR LEAVE TO FILE COMPLAINT AS PSEUDONYMOUS PLAINTIFFS by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC. Response to Motion due by 6/7/2017. 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. (egra,) (Entered: 05/24/2017)
05/26/2017	6	TEXT ORDER: Plaintiffs have moved, with the consent of Defendant South Carolina Department of Mental Health, to file this action as pseudonymous plaintiffs. (Dkt. No. 5). For good cause shown, the motion is granted. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 5/26/17.(ltap,) (Entered: 05/26/2017)
06/12/2017	<u>7</u>	Summons Issued as to South Carolina Mental Health Commission, The. (sshe,) (Entered: 06/12/2017)
06/21/2017	<u>8</u>	NOTICE of Appearance by William Henry Davidson, II on behalf of John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health

		Commission, The (Davidson, William) (Entered: 06/21/2017)
06/21/2017	<u>9</u>	NOTICE of Appearance by Andrew F Lindemann on behalf of John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The (Lindemann, Andrew) (Entered: 06/21/2017)
06/22/2017	<u>10</u>	NOTICE of Appearance by Joel Steve Hughes on behalf of John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The (Hughes, Joel) (Entered: 06/22/2017)
06/29/2017	<u>11</u>	LETTER EXTENDING TIME TO ANSWER John H Magill answer due 7/25/2017; South Carolina Mental Health Commission, The answer due 7/25/2017; South Carolina Department of Mental Health, The answer due 7/25/2017. (Lindemann, Andrew) (Entered: 06/29/2017)
07/25/2017	<u>12</u>	ANSWER to <u>1</u> Complaint by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.(Lindemann, Andrew) (Entered: 07/25/2017)
07/25/2017	<u>13</u>	Local Rule 26.01 Answers to Interrogatories by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.(Lindemann, Andrew) (Entered: 07/25/2017)
07/27/2017	<u>14</u>	SCHEDULING ORDER Rule 26(f) Conference Deadline 8/16/2017, 26(a) Initial Disclosures due by 8/30/2017, Rule 26 Report due by 8/30/2017, Motions to Amend Pleadings due by 10/24/2017, Plaintiffs ID of Expert Witness due by 11/27/2017, Defendants ID of Expert Witnesses Due by 12/27/2017, Records Custodian Affidavit due by 1/2/2018, Discovery due by 1/22/2018, Motion in Limine due by 15 business days prior to jury selection, Motions due by 2/5/2018, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection, Pretrial Briefs due by 5 business days prior to jury selection, Case ready for Trial Deadline on or after 5/7/2018 Signed by Honorable Richard M Gergel on 7/27/2017. (sshe,) (Entered: 07/27/2017)
08/29/2017	<u>15</u>	Joint MOTION for Extension of Time by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 9/12/2017. 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.(Houseal, Sean) (Entered: 08/29/2017)
09/06/2017	<u>16</u>	Joint Rule 26(f) Report by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. (Attachments: # <u>1</u> Supporting Documents – Joint Waiver of Initial Disclosures, # <u>2</u> Supporting Documents – Joint Mediation of Cases Pending Before Judge Gergel Form, # <u>3</u> Supporting Documents – Joint Discovery Plan and Local Rule 26.03 Information)(Houseal, Sean) (Entered: 09/06/2017)
09/13/2017	<u>17</u>	TEXT ORDER finding as moot <u>15</u> Motion for Extension of Time. 26(f) Report filed on 9/6/17. Entered at the direction of the Honorable Richard M Gergel on 9/13/17.(ltap,) (Entered: 09/13/2017)
09/14/2017	<u>18</u>	AMENDED SCHEDULING ORDER Motions to Amend Pleadings due by 1/24/2018, Plaintiffs ID of Expert Witness due by 2/26/2018, Defendants ID of Expert Witnesses Due by 3/26/2018, Records Custodian Affidavit due by 4/2/2018, Discovery due by 4/22/2018, Motion in Limine due by 15 business days prior to jury selection, Motions due by 5/5/2018, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection, Pretrial Briefs due by 5 business days prior to jury selection, Case ready for Trial (non-jury) Deadline on or after 8/2/2018 Signed by Honorable Richard M Gergel on 9/13/2017. (sshe,) (Entered: 09/14/2017)
09/14/2017	<u>19</u>	ORDER TO CONDUCT MEDIATION Mediation Due by 5/22/2018 Signed by Honorable Richard M Gergel on 9/13/2017. (sshe,) (Entered: 09/14/2017)
01/17/2018	<u>20</u>	MOTION to Appear Pro Hac Vice by Maura Martin Klugman (Filing fee \$ 250 receipt number 0420-7561490) by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 1/31/2018. 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> Affidavit Application/Affidavit and Certificate of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to

		chambers with copy to opposing counsel.(Houseal, Sean) (Entered: 01/17/2018)
01/17/2018	<u>21</u>	MOTION to Appear Pro Hac Vice by Mark J. Murphy (Filing fee \$ 250 receipt number 0420-7561491) by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 1/31/2018. 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> Affidavit Application/ Affidavit and Certificate of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Houseal, Sean) (Entered: 01/17/2018)
01/19/2018	<u>22</u>	ORDER granting <u>20</u> Motion for Maura Martin Klugman to Appear Pro Hac Vice for AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL.; granting <u>21</u> Motion for Mark J. Murphy to Appear Pro Hac Vice for AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Signed by Honorable Richard M Gergel on 1/19/2018.(sshe,) (Entered: 01/19/2018)
02/23/2018	<u>24</u>	Joint MOTION to Amend/Correct <u>14</u> Scheduling Order,, by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 3/9/2018. 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. Proposed order is being emailed to chambers with copy to opposing counsel.(Hughes, Joel) (Entered: 02/23/2018)
02/26/2018	<u>25</u>	SECOND AMENDED SCHEDULING ORDER Discovery related to class certification due by 4/16/2018,, Plaintiffs' motion for class certification due by 4/30/2018, Plaintiffs ID of Expert Witness due by 5/26/2018,, Defendants ID of Expert Witnesses Due by 6/26/2018,, Records Custodian Affidavit due by 7/2/2018,, Discovery due by 7/22/2018,, Motion in Limine due by 15 business days prior to jury selection,, Motions due by 8/5/2018,, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection,, Pretrial Briefs due by 5 business days prior to jury selection,, Case ready for Trial Deadline on or after 11/1/2018,, Mediation Due by 8/22/2018 (Motion granted: <u>24</u> Joint MOTION to Amend/Correct <u>14</u> Scheduling Order,, filed by South Carolina Mental Health Commission, The, John H Magill, South Carolina Department of Mental Health, The). Signed by Honorable Richard M Gergel on 2/23/2018. (sshe,) (Entered: 02/26/2018)
04/03/2018	<u>26</u>	MOTION to Certify Class by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 4/17/2018. 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, # <u>2</u> Exhibit A – List of Selected ADA Class Action Cases, # <u>3</u> Exhibit B – Breen Deposition, # <u>4</u> Exhibit C – SCDMH Accountability Report FY2013, # <u>5</u> Exhibit D – Graydon Deposition, # <u>6</u> Exhibit E – SCDMH Community Liaison and Casemanager Discharge Planning Policy, # <u>7</u> Exhibit F – SCDMH Inpatient Services Discharge Planning and Procedures, # <u>8</u> Exhibit G – McDaniel Deposition, # <u>9</u> Exhibit H – Social Work Discharge Planning Manual, # <u>10</u> Exhibit I – OSIG Review of the CRCF Program, # <u>11</u> Exhibit J – Solicitation for Bids, # <u>12</u> Exhibit K – Permanent Supportive Housing Strategic Plan, # <u>13</u> Exhibit L – Hope for Tomorrow, # <u>14</u> Exhibit M – Mental Health Housing Task Force Progress Report)No proposed order.(Houseal, Sean) (Entered: 04/03/2018)
04/12/2018	<u>27</u>	MOTION to Withdraw <i>Attorney William H. Davidson, II</i> by South Carolina Department of Mental Health, The. Response to Motion due by 4/26/2018. 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) (Entered: 04/12/2018)
04/13/2018	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION to Certify Class by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 4/27/2018. 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.(Lindemann, Andrew) (Entered: 04/13/2018)

04/16/2018	29	Text Order re <u>28</u> Motion for Extension of Time to file Response/Reply as to <u>26</u> Plaintiffs' Motion for Class Certification. For good cause shown and because Plaintiffs' counsel consents to the requested extension, the Motion for Extension of Time is Granted. Defendants shall file a Response/Reply to <u>26</u> Plaintiffs' Motion for Class Certification on or before April 27, 2018. And it is so ordered. Entered at the Direction of Honorable Richard M Gergel on 4/16/2018.(sshe,) (Entered: 04/16/2018)
04/19/2018	30	TEXT ORDER: Defense counsel William Davidson has moved to be relieved as counsel. (Dkt. No. 27). For good cause shown, the motion is granted. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 4/19/18.(ltap,) (Entered: 04/19/2018)
04/27/2018	<u>32</u>	RESPONSE in Opposition re <u>26</u> MOTION to Certify Class Response filed by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.Reply to Response to Motion due by 5/4/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Lindemann, Andrew) (Entered: 04/27/2018)
04/30/2018	<u>33</u>	MOTION for Extension of Time , MOTION for Extension of Time to File Response/Reply as to <u>32</u> Response in Opposition to Motion, (Response to Motion due by 5/14/2018. 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.) by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. No proposed order.(Houseal, Sean) (Entered: 04/30/2018)
04/30/2018	34	TEXT ORDER granting <u>33</u> Motion for Extension of Time to File Reply to <u>32</u> Response in Opposition to Motion. Replies due by 5/11/2018. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 4/30/18.(ltap,) (Entered: 04/30/2018)
05/10/2018	<u>35</u>	REPLY to Response to Motion re <u>26</u> MOTION to Certify Class Response filed by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. (Attachments: # <u>1</u> Exhibit A – Marjorie Wilson–Guess Deposition Transcript excerpts)(Houseal, Sean) (Entered: 05/10/2018)
05/17/2018	<u>36</u>	NOTICE of Request for Protection from Court Appearance by Joel Steve Hughes for June 11–15, 2018 (Hughes, Joel) (Entered: 05/17/2018)
05/22/2018	<u>37</u>	Joint MOTION for Extension of Time of <i>Expert Deadlines, for Entry of Consent Confidentiality Order, and for Status Conference with the Court</i> by Protection and Advocacy for People with Disabilities Inc. Response to Motion due by 6/5/2018. 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 Consent Confidentiality Agreement)No proposed order.(Houseal, Sean) (Entered: 05/22/2018)
05/23/2018	38	TEXT ORDER re <u>37</u> Joint MOTION for Extension of Time of <i>Expert Deadlines</i>: Plaintiffs deadline for ID of Expert Witnesses is extended to June 15, 2018. Defendants deadline for ID of Expert Witnesses is extended to July 15, 2018. All other deadlines set forth in the scheduling order of February 26, 2018 remain as scheduled. AND IT IS SO ORDERED. Entered a the direction of the Honorable Richard M Gergel on 5/23/18. (ltap,) (Entered: 05/23/2018)
05/23/2018	39	NOTICE of Hearing: Telephone Conference set for 5/30/2018 at 10:00 AM before Honorable Richard M Gergel. Counsel must initiate telephone conference and then call into Chambers or provide a call-in number to Chambers. Court Staff needed.(ltap,) (Entered: 05/23/2018)
05/23/2018	<u>42</u>	CONSENT CONFIDENTIALITY ORDER Signed by Honorable Richard M Gergel on 5/23/2018. (sshe,) (Entered: 05/23/2018)
05/30/2018	43	Minute Entry. Proceedings held before Honorable Richard M Gergel: Telephone Conference held on 5/30/2018. Court to enter an order extending the <u>25</u> scheduling order deadlines. Court Reporter Tana Hess. (erav,) (Entered: 05/30/2018)
05/30/2018	<u>44</u>	ORDER Counsel are directed to meet in person with their information technology experts within 15 days of this Order in an effort to narrow and make

		more specific search requests for Electronically Stored Information ("ESI")(see Order for details); regarding Defense counsel's clients' obligations under the Health Insurance Portability and Accountability Act of 1996 with respect to the production of documents in discovery that contain identifying information of clients of the Department of Mental Health, see protective order (Dkt. No. 42), if the parties wish the Court to issue an additional order on this issue, they should confer and present the Court with a proposed consent order within 15 days of this Order; Plaintiffs ID of Expert Witness due by 6/15/2018; Defendants ID of Expert Witnesses Due by 9/1/2018; Mediation Due by 7/15/2018; Discovery due by 10/15/2018; provisions in the previous scheduling order (Dkt. No. 25) regarding pretrial disclosures, motions in limine, and pretrial briefs shall remain the same, Records Custodian Affidavit due by 11/1/2018 and Motions due by 11/1/2018; Trial Deadline on or after 2/1/2019 Signed by Honorable Richard M Gergel on 5/30/2018. (sshe,) (Entered: 05/30/2018)
06/15/2018	<u>45</u>	PLAINTIFF'S ID OF EXPERT WITNESSES by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL.(Houseal, Sean) (Entered: 06/15/2018)
07/26/2018	46	TEXT ORDER: The Court has been advised by the mediator that progress has been made in resolving this matter and requests permission to continue his efforts to mediate this matter on and after the 8/22/18 deadline in the scheduling order. For good cause shown, the scheduling order is modified to allow continued efforts in completing mediation in this matter. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 7/26/2018. (Itap,) (Entered: 07/26/2018)
07/31/2018	<u>48</u>	MOTION to Compel by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 8/14/2018. 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> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Houseal, Sean) (Entered: 07/31/2018)
07/31/2018	49	TEXT ORDER: Plaintiffs have moved for a motion to compel full, unredacted responses to their discovery requests. (Dkt. No. 48). The time for Defendants to respond to this motion is shortened to 8/7/18. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 7/31/2018. (Itap,) (Entered: 07/31/2018)
08/10/2018	<u>50</u>	Consent MOTION to Amend/Correct <u>44</u> Scheduling Order,,,,, by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 8/24/2018. 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. Proposed order is being emailed to chambers with copy to opposing counsel.(Hughes, Joel) (Entered: 08/10/2018)
08/14/2018	<u>51</u>	ORDER re <u>48</u> Plaintiffs' Motion to Compel discovery of certain medical documentation. It is ORDERED: 1. The Defendants are hereby ordered to refrain from further redaction of information or withholding of records pursuant to concerns regarding possible HIPAA violations or violations of S.C. Code §44-22-100; 2. The Defendants are further ordered to supplement their previous document production with unredacted materials, absent any claim of privilege not addressed within this Order; and 3. Relevant medical documents released during this litigation be kept confidential and either returned to the distributing party or destroyed upon the conclusion of this litigation. IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 8/13/2018.(sshe,) (Entered: 08/14/2018)
08/21/2018	<u>52</u>	ORDER DENYING <u>26</u> Named Plaintiffs together with Protection and Advocacy for People with Disabilities Inc's Motion to Certify Class Signed by Honorable Richard M Gergel on 8/21/2018.(sshe,) (Entered: 08/21/2018)
08/21/2018	<u>53</u>	THIRD AMENDED SCHEDULING ORDER Defendants ID of Expert Witnesses Due by 10/31/2018,, Records Custodian Affidavit due by 11/5/2018,, Discovery due by 11/19/2018,, Motion in Limine due by 15 business days prior to jury selection,, Motions due by 11/26/2018,, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection,, Pretrial Briefs due by 5 business days prior

		to jury selection,, Case ready for Trial Deadline on or after 2/2/2019 (Motion granted: <u>50</u> Consent MOTION to Amend/Correct <u>44</u> Scheduling Order,,,,, filed by South Carolina Mental Health Commission, The, John H Magill, South Carolina Department of Mental Health, The). Signed by Honorable Richard M Gergel on 8/20/2018. (sshe,) (Entered: 08/21/2018)
08/31/2018	<u>54</u>	MOTION for Reconsideration re <u>52</u> Order on Motion to Certify Class by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 9/14/2018. 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 of Motion for Reconsideration, # <u>2</u> Exhibit 1)No proposed order.(Houseal, Sean) (Entered: 08/31/2018)
09/07/2018	<u>55</u>	ORDER denying <u>54</u> Plaintiffs' Motion for Reconsideration. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 9/7/2018.(sshe,) (Entered: 09/07/2018)
10/19/2018	<u>57</u>	MOTION to Compel by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 11/2/2018. 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 A – Defendants' responses to Plaintiffs' First Set of Interrogatories and Requests for Production, # <u>2</u> Exhibit B – Plaintiffs' Second Set of Interrogatories and Requests for Production, # <u>3</u> Exhibit C – Plaintiffs' letter dated 08.01.2018 regarding delinquent discovery responses, # <u>4</u> Exhibit D – Plaintiffs' letter dated 09.20.2018 regarding delinquent discovery responses)No proposed order.(Houseal, Sean) (Entered: 10/19/2018)
10/31/2018	<u>58</u>	DEFENDANT'S ID OF EXPERT WITNESSES by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.(Lindemann, Andrew) (Entered: 10/31/2018)
11/02/2018	<u>59</u>	Consent MOTION to Amend/Correct <i>Third Amended Scheduling Order</i> by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 11/16/2018. 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. Proposed order is being emailed to chambers with copy to opposing counsel.(Hughes, Joel) (Entered: 11/02/2018)
11/02/2018	<u>60</u>	RESPONSE in Opposition re <u>57</u> MOTION to Compel Response filed by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.Reply to Response to Motion due by 11/9/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit A – email with counsel)(Hughes, Joel) (Entered: 11/02/2018)
11/05/2018	<u>61</u>	MOTION to Withdraw as Attorney by Protection and Advocacy for People with Disabilities Inc. Response to Motion due by 11/19/2018. 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.(St Onge, Sarah) (Entered: 11/05/2018)
11/07/2018	<u>62</u>	CONSENT FOURTH AMENDED SCHEDULING ORDER Records Custodian Affidavit due by 2/4/2019,, Discovery due by 2/18/2019,, Motion in Limine due by 15 business days prior to jury selection,, Motions due by 2/25/2019,, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection,, Pretrial Briefs due by 5 business days prior to jury selection,, Case ready for Bench Trial Deadline on or after 5/2/2019 (Motion granted: <u>59</u> Consent MOTION to Amend/Correct <i>Third Amended Scheduling Order</i> filed by South Carolina Mental Health Commission, The, John H Magill, South Carolina Department of Mental Health, The). Signed by Honorable Richard M Gergel on 11/7/2018. (sshe,) (Entered: 11/07/2018)
11/08/2018	63	TEXT ORDER re: Plaintiff's motion to compel <u>57</u> : Defendants indicated in their Response that the "majority" of issues raised in Plaintiff's motion have been resolved. PLAINTIFF is DIRECTED to identify to the Court on or before 11/16/2018 whether any issues remain in dispute and, if so, to which numbered discovery requests the issues pertain. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 11/8/18. (Itap,) (Entered: 11/08/2018)

11/08/2018	<u>64</u>	TEXT ORDER re: 61 Attorney Sarah Garland St. Onge's motion to be relieved as counsel. Pursuant to Local Civil Rule 83.I.07(A), Ms. St. Onge's motion is GRANTED and the Clerk of Court is instructed to remove Ms. St. Onge as counsel of record for Plaintiff Protection and Advocacy for People with Disabilities, Inc. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 11/8/2018.(ltap,) (Entered: 11/08/2018)
11/16/2018	<u>66</u>	REPLY to Response to Motion re <u>57</u> MOTION to Compel Response filed by AW, CM, HH, MJ, RC, WL. (Houseal, Sean) (Additional attachment(s) added on 11/19/2018: # <u>1</u> Exhibit Defendants Responses to Discovery dated 8/1/18) (sshe,). Modified on 11/19/2018 to add document attachment inadvertently not filed as requested and provided by filing user (sshe,). (Entered: 11/16/2018)
11/26/2018	<u>67</u>	ORDER Plaintiff's Motion to Compel (Dkt. No. <u>57</u>) is DECLARED MOOT with leave to propound further discovery demands that specifically seek the information that Defendants allegedly have not sufficiently provided. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 11/20/2018.(sshe,) (Entered: 11/26/2018)
02/21/2019	<u>69</u>	Consent MOTION to Substitute Attorney by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 3/7/2019. 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.(Houseal, Sean) (Entered: 02/21/2019)
02/21/2019	70	TEXT ORDER granting <u>69</u> Consent Motion to Substitute Nelson Mullins Riley & Scarborough, L.L.P. as new attorneys of record for Plaintiffs. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 2/21/2019.(ltap,) (Entered: 02/21/2019)
02/22/2019	<u>72</u>	Consent MOTION to Substitute Party by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 3/8/2019. 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.(Lindemann, Andrew) (Entered: 02/22/2019)
02/25/2019	73	TEXT ORDER re <u>72</u> consent motion to substitute Mark W. Binkley, in his official capacity as the Interim Director of the S.C. Dep't of Mental Health, for current Defendant John H. Magill, in his official capacity as the Director of the S.C. Dep't of Mental Health, who has resigned and been succeeded. The consent motion to substitute is GRANTED. See Fed. R. Civ. P. 25(d) ("[W]hen a public officer who is a party to an official capacity [] resigns... [t]he officers successor is automatically substituted as a party.... The court may order substitution at any time, but the absence of such an order does not affect the substitution."). AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 2/25/2019.(ltap,) (Entered: 02/25/2019)
02/25/2019	<u>74</u>	STIPULATION of Dismissal Without Prejudice by AW. (Eibling, Sarah) Modified on 2/26/2019 to remove party filers as requested by filing user(sshe,). (Entered: 02/25/2019)
02/27/2019	<u>76</u>	Letter from Andrew F. Lindemann. (Lindemann, Andrew) (Entered: 02/27/2019)
02/27/2019	<u>77</u>	ORDER DISMISSING CASE without costs and without prejudice to the right of either party, upon good cause shown within sixty (60) days, to reinstate the action if settlement is not consummated. Signed by Honorable Richard M Gergel on 2/27/2019. (sshe,) (Entered: 02/27/2019)
03/14/2019	<u>79</u>	STIPULATION of Dismissal With Prejudice by Mark W Binkley, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. (Lindemann, Andrew) (Entered: 03/14/2019)