

CLOSED

**United States District Court
Southern District of West Virginia (Charleston)
CIVIL DOCKET FOR CASE #: 2:78-cv-02099**

Medley, et al v. Ginsberg, et al
Assigned to: Judge John T. Copenhaver, Jr.
Demand: \$20,000
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 04/21/1978
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Macel Medley

*a child under the age of 18 years, who
sues by her next friend*

represented by **Daniel F. Hedges**
MOUNTAIN STATE JUSTICE, INC.
Suite 525
922 Quarrier Street
Charleston, WV 25301
304/344-3144
Fax: 344-3145
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Gail Falk

Route 1, Box 1244
Montpelier, VT 05602
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Nancy Barchart

*Executive Director, Kanawha Putnam
Association for Retarded Children
individually and on behalf of all other
persons similarly situated*

represented by **Daniel F. Hedges**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Gail Falk

(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Leon Ginsberg

*Commissioner, W.V. Department of
Welfare;*

represented by **Charlene A. Vaughan**
DEPUTY ATTORNEY GENERAL
Department of Health and Human
Resources
State Capitol Complex
Building 3, Room 210

Charleston, WV 25305
304/558-2131
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darrell V. McGraw, Jr.
OFFICE OF THE ATTORNEY
GENERAL
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304-558-2021
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
ATTORNEY GENERAL
State Capitol Complex Bldg. 3, Room
210
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John E. Burdette, II
Area Administrator, Area 17, W.V.
Dept. of Welfare;

represented by **Charlene A. Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darrell V. McGraw, Jr.
(See above for address)
LEAD ATTORNEY
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Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen J. Small
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mark Hudnall
Caseworker;

represented by **Charlene A. Vaughan**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darrell V. McGraw, Jr.
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LEAD ATTORNEY
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen J. Small
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

M.D. George Pickett
Director;

represented by **Charlene A. Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darrell V. McGraw, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen J. Small
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Barnette

*Executive Director Shawnee Hills
Community Mental Health/Mental
Retardation Center, Inc.*

represented by **Charlene A. Vaughan**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

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*LEAD ATTORNEY
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Defendant**Pleasants County Board of Education**

represented by **Basil R. Legg, Jr.**
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Charlene A. Vaughan
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ATTORNEY TO BE NOTICED*

Darrell V. McGraw, Jr.

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carl Harold
*Superintendent of Schools of Pleasants
County;*

represented by **Basil R. Legg, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charlene A. Vaughan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darrell V. McGraw, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

R. Burl Smith
*President and Member of the Board of
Education of Pleasants County*

represented by **Basil R. Legg, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charlene A. Vaughan
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LEAD ATTORNEY
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Darrell V. McGraw, Jr.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Louis E. Barnard
*Member of the Board of Education of
Pleasants County;*

represented by **Basil R. Legg, Jr.**
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LEAD ATTORNEY
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Charlene A. Vaughan
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Darrell V. McGraw, Jr.
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LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Defendant****John L. Lauderman***Member of the Board of Education of
Pleasants County*represented by **Basil R. Legg, Jr.**
(See above for address)*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Charlene A. Vaughan**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Darrell V. McGraw, Jr.**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Jimmy L. McKnight***Member of the Board of Education of
Pleasants County*represented by **Basil R. Legg, Jr.**
(See above for address)*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Charlene A. Vaughan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Darrell V. McGraw, Jr.**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Roy A. Pollack***Member of the Board of Education of
Pleasants County, in their official
capacities*represented by **Basil R. Legg, Jr.**
(See above for address)*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Charlene A. Vaughan**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Darrell V. McGraw, Jr.**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Defendant**West Virginia Department of
Education***TERMINATED: 01/12/2001*represented by **Charlene A. Vaughan**
(See above for address)
TERMINATED: 01/12/2001
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Darrell V. McGraw, Jr.**
(See above for address)
TERMINATED: 01/12/2001
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Charleston, WV 25305
304/348-2131
TERMINATED: 01/12/2001
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****West Virginia Division of**represented by **M. Claire Winterholler**

Rehabilitation Services

WV DIVISION OF
 REHABILITATION SERVICES
 Assistant Attorney General
 State Capitol
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 304/558-2021
 Fax: 558-0140
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

**West Virginia Department of Health
 and Human Resources**
OFFICE OF MEDICAL SERVICES

represented by **Darrell V. McGraw, Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Geraldine M. Guerin
 BASTIEN & GERWIG
 P. O. Box 2151
 Charleston, WV 25328-2151
 304/345-1772
TERMINATED: 03/15/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Eric M. Francis

represented by **Eric M. Francis**
 PRO SE

Eric M. Francis
 208 W. Randolph St.
 Lewisburg, WV 24901-1024
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/18/1981		This case was closed before being entered completely into the automated system. For previous entries, check the manual docket sheet (skh) (Entered: 11/10/1992)
10/19/1981		Case closed (skh) (Entered: 11/10/1992)
08/08/1984	359	MOTION by Deft. Truby to Quash Subpoena, with affidavit and certificate of service attached (skh) (Entered: 11/10/1992)
08/12/1987	478	MOTION by Deft. W.Va. Dept. of Health to Quash Subpoena directed to Asst. Atty General Barbara L. Freedy, with notice and certificate of

		service attached (skh) (Entered: 11/10/1992)
12/08/1987	508	MOTION by Deft. Lipscomb for Protective Order, with certificate of service attached (skh) (Entered: 11/10/1992)
12/08/1987	509	MEMORANDUM by Deft. Lipscomb in support of [508-1] motion for Protective Order (skh) (Entered: 11/12/1992)
01/03/1989	535	MOTION by Macel Medley, Nancy Barchart for an Order of Compliance with the Consent Decree, with notice and certificate of service attached (skh) (Entered: 11/10/1992)
01/13/1989	536	RESPONSE by All Defendants to [535-1] motion for an Order of Compliance with the Consent Decree by Nancy Barchart, Macel Medley (skh) (Entered: 11/12/1992)
01/19/1989	539	RESPONSE by Deft. (WV Dept. of Human Services) to [535-1] motion for an Order of Compliance with the Consent Decree Regarding Medicare Catastrophic Coverage Act of 1988, by Nancy Barchart, Macel Medley (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
01/19/1989	542	MOTION by Defendants (State Defts) for Production of Documents, with notice and certificate of service attached (skh) (Entered: 11/12/1992)
02/02/1989	545	AMENDED MOTION by Macel Medley, Nancy Barchart for an Order of Compliance with the Consent Decree, with notice and certificate of service attached (skh) Modified on 11/10/1992 (Entered: 11/10/1992)
02/03/1989	546	MOTION by Macel Medley, Nancy Barchart for an Order of Contempt or for an Order of Compliance with the Consent Decree, with certificate of service attached (skh) (Entered: 11/12/1992)
02/09/1989	547	RESPONSE by Deft (WVDH) to [545-1] amended motion for an Order of Compliance with the Consent Decree by Nancy Barchart, Macel Medley (integrated with following entry) (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
02/09/1989	547	MOTION by Deft (WVDH) for Continuance, with notice and certificate of service attached (integrated with previous entry) (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
02/16/1989	548	RESPONSE by Leon Ginsberg (Commissioner, WV Dept. of Human Services) to [535-1] motion for an Order of Compliance with the Consent Decree alleging late payments to providers by Nancy Barchart, Macel Medley (skh) (Entered: 11/12/1992)
02/21/1989	549	RESPONSE by Deft (WV Dept. of Health) to [546-1] motion for an Order of Contempt or for an Order of Compliance with the Consent Decree by Nancy Barchart, Macel Medley (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
04/13/1989	558	NOTICE and MOTION by Macel Medley, Nancy Barchart for an Order of Compliance with Consent Decree (skh) (Entered: 11/10/1992)
04/14/1989	559	NOTICE and AMENDED MOTION by Macel Medley, Nancy Barchart

		for an Order of Implementation of the Consent Decree or in the Alternative for Appointment of a Monitor--hearing noticed for 2:00 4/21/89 (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
04/20/1989	560	ANSWER by Deft (WV Dept. of Health) to Pltfs' [559-1] amended motion for an order of implementation of the consent decree or in the alternative for the appointment of a monitor, with certificate of service attached (skh) (Entered: 11/12/1992)
04/21/1989	561	RESPONSE ny Deft (WV Dept. of Health) to [559-1] motion for an Order of Implementation of the Consent Decree or in the Alternative for Appointment of a Monitor by Nancy Barchart, Macel Medley (skh) (Entered: 11/12/1992)
04/21/1989	562	RESPONSE by Deft (Pisapia) to [559-1] amended motion for an Order of Implementation of the Consent Decree or in the Alternative for Appointment of a Monitor 4/21/89 by Nancy Barchart, Macel Medley (skh) (Entered: 11/12/1992)
05/29/1990	568	MOTION by Macel Medley, Nancy Barchart for an order of compliance and implementation with notice and certificate of service attached (skh) (Entered: 11/10/1992)
06/28/1990	569	RESPONSE by Deft(WV Dept. of Health & Human Services) to [568-1] motion for an order of compliance and implementation by Nancy Barchart, Macel Medley (skh) (Entered: 11/12/1992)
01/04/1991	571	MOTION by Macel Medley, Nancy Barchart for Award of Partial Interim Attorney Fees (skh) Modified on 11/10/1992 (Entered: 11/10/1992)
01/04/1991		Motion(s) referred: [571-1] motion for Award of Partial Interim Attorney Fees referred to Magistrate Judge Jerry D. Hogg (skh) (Entered: 11/10/1992)
01/04/1991	572	AFFIDAVIT by Macel Medley, Nancy Barchart Re: [571-1] motion for Award of Partial Interim Attorney Fees (skh) (Entered: 11/12/1992)
01/07/1991	573	AFFIDAVIT by Macel Medley, Nancy Barchart Re: [571-1] motion for Award of Partial Interim Attorney Fees (skh) (Entered: 11/12/1992)
01/24/1991	574	RESPONSE by All Defendants to [571-1] motion for Award of Partial Interim Attorney Fees (skh) (Entered: 11/12/1992)
02/06/1991	575	ANSWER by Deft Marockie to [571-1] motion for award of partial interim attorney fees (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
01/15/1992	578	SUPPLEMENTARY MOTION by Macel Medley, Nancy Barchart for Award of Partial Interim Attorney Fees , with notice attached (skh) (Entered: 11/10/1992)
01/15/1992		Motion(s) referred: [578-1] motion for Award of Partial Interim Attorney Fees referred to Magistrate Judge Jerry D. Hogg (skh) (Entered: 11/10/1992)

		11/10/1992)
01/15/1992	579	AFFIDAVIT by Daniel F. Hedges in Support of Re: [571-1] motion for Award of Partial Interim Attorney Fees by Nancy Barchart, Macel Medley (skh) (Entered: 11/12/1992)
01/22/1992	580	RESPONSE by All Defendants to [578-1] supplementary motion for Award of Partial Interim Attorney Fees by Nancy Barchart, Macel Medley (skh) Modified on 11/12/1992 (Entered: 11/12/1992)
01/11/1993	581	AGREED ORDER mootng [578-1] motion for Award of Partial Interim Attorney Fees, mootng [571-1] motion for Award of Partial Interim Attorney Fees; The Dept. of Health and Human Resources shall pay to the Pltfs the sum of \$13,775.00 and 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. (signed by Judge John T. Copenhaver Jr.) (cc: attys)(rac) Modified on 01/11/1993
12/02/1993	582	NOTICE AND MOTION by Macel Medley & Nancy Barchart for an Order of Compliance (rac) (Entered: 12/07/1993)
12/20/1993	583	RESPONSE by WV Dept of Education to [568-1] motion for an order of compliance. (rac) (Entered: 12/21/1993)
12/20/1993	584	NOTICE of Substitution of Counsel for WV Dept of Education by Paul E. Jordan. (rac) (Entered: 12/21/1993)
12/20/1993	585	RESPONSE by Ruth Ann Panepinto to [568-1] motion for an order of compliance (rac) Modified on 12/29/1993 (Entered: 12/21/1993)
01/07/1994	586	NOTICE & SUPPLEMENTARY MOTION by Macel Medley & Nancy Barchart for Partial Interim Award of Attorney Fees referring to: [578-1] motion for Award of Partial Interim Attorney Fees. (rac) (Entered: 01/10/1994)
01/07/1994	587	AFFIDAVIT by Daniel Hedges o/b/o Macel Medley & Nancy Barchart in support of [586-1] supplementary motion for Partial Interim Award of Attorney Fees. (rac) Modified on 01/12/1994 (Entered: 01/10/1994)
03/17/1994	588	AGREED ORDER: mootng [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. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (rac)
04/04/1994	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." (ras) (Entered: 04/05/1994)
04/05/1994		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. (ras)
04/21/1994	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: attys) (rac)
09/23/1994	591	NOTICE & MOTION by WV Dept of Health & Human Resources to Modify Reimbursement Methodology (rac) (Entered: 10/21/1994)
12/30/1994	592	AGREED ORDER that the defts shall pay to the pltfs. the sum of \$1,637.50 for 13.1 hours at \$125.00, which shall constitute complete and full payment of attorney fees for the calendar year 1994. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (tih)
01/03/1995	593	NOTICE & MOTION by Pltfs for Enforcement of Decree (rac)
01/04/1995	594	MEMORANDUM by Macel Medley, Nancy Barchart in support of [593-1] motion for Enforcement of Decree by Nancy Barchart, Macel Medley (rac)
01/20/1995	595	RESPONSE by All Defendants to pltfs Medley and Barchart's [593-1] motion for Enforcement of Decree. (skh)
08/08/1995	596	ORDER granting [591-1] motion to Modify Reimbursement Methodology; the management incentive is deleted and removed from the reimbursement methodology; the cost upper limits will be based on an assumed occupancy of ninety-five percent and a calendar year of 354 days; the weighing of the reported allowable costs is hereby reduced to ninety-five percent occupancy on a calendar year of 354 days; the matters set forth in paragraphs, 1, 2 & 3 of this Order may be incorporated by the Dept. of Health and Human Resources into the State's Medical Plan w/out additional publication of Notice. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (tih) Modified on 08/10/1995
12/08/1995	597	STIPULATION by Plaintiff Macel Medley, Plaintiff Nancy Barchart and interested party WV Dept of Health and Human Resources in regard to the Plaintiffs' Motion for Enforcement of Decree. (emb) Modified on 12/15/1995
01/02/1996	598	NOTICE & SUPPLEMENTARY MOTION by Macel Medley and Nancy Barchart for Award of Partial Interim Attorney Fees (emb)
02/28/1996	599	AGREED ORDER: It is ordered that the Defendants shall pay to Daniel F. Hedges the sum of \$3,487.50 for 27.9 hours at \$125/hour, which shall constitute complete and full payment of attorney fees for the calendar year 1995. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (emb) Modified on 03/02/1996 (Entered: 02/29/1996)
03/01/1996	600	AGREED ORDER: that the Department shall begin to provide those services identified in Exhibit "B" to the extent that they can be funded out of the Department's budget for State fiscal year 1995-96 and that all services identified in Exhibit "B" be provided in State fiscal year 1996-97; and inasmuch as the categorization of these amounts are estimates,

		said total amount shall be set aside and the Medley Management Team shall allocate said amounts for the unmet needs of class members as the need indicates; and further, the planning therefor, as well as planning for the provision for futher unmet needs, shall begin immediately. Over objection of Defendants, the Plaintiffs reserve for determination by the appropriate court the issue of the constitutionality of W. Va. Code 5-3a. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (emb) (Entered: 03/04/1996)
03/01/1996	601	ORDER: that either of the parties may seek reconsideration of the Agreed Order on or before 05/15/96, in order to allow the Defendant, Department of Health and Human Resources, to otherwise comply with and obtain the benefit of the procedure set forth in W. Va. Code 5-3-2a. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (emb) (Entered: 03/04/1996)
07/01/1997	602	NOTICE by Macel Medley, Nancy Barchart TO TAKE DEPOSITION of John and Joyce Bostic on 7/18/97 at 1:30; Eric M. Francis on 7/18/97 at 2:00; and John L. Persinger on 7/18/97 at 3:30. (skh)
07/03/1997	603	AMENDED NOTICE by Macel Medley, Nancy Barchart TO TAKE DEPOSITION of John and Joyce Bostic on 7/11/97 at 3:30; Eric M. Francis on 7/18/97 at 2:00; and John L. Persinger on 7/18/97 at 3:30. (skh)
07/11/1997	604	MOTION by Eric M. Francis to Quash subpoena . (Referred to Magistrate Judge Jerry D. Hogg) (skh)
07/16/1997	605	NOTICE by All Defendants of substitution of counsel of Charlene A. Vaughan. (skh)
07/16/1997	606	RESPONSE by Macel Medley, Nancy Barchart to Eric M. Francis' [604-1] motion to Quash subpoena. (skh) (Entered: 07/17/1997)
07/18/1997		COURT PROCEEDING: hearing on Eric Francis' motion to quash; MAGISTRATE JUDGE Hogg; COURT REPORTER electronic recording #529 (2607-3876). (skh)
07/18/1997	607	ORDER denying Eric M. Francis' [604-1] motion to Quash subpoena and directing him to appear at the deposition and fully answer all questions propounded; the Court supports pltf's counsel's interest in sharing information obtained with the counsel and parties in the Greenbrier County proceeding in order to further the pursuit of Michael Persinger's entitlements under this Court's orders. (signed by Magistrate Judge Jerry D. Hogg) (cc: attys) (skh)
09/16/1998	608	MOTION by WV Dept of Health to dissolve consent decree . (pdb)
09/16/1998	609	MEMORANDUM OF LAW by WV Dept of Health in support of [608-1] motion to vacate consent decree. (pdb)
10/09/1998	610	RESPONSE by Macel Medley, Nancy Barchart to [608-1] motion to vacate decree by WV Dept of Health. (pdb)
02/15/2000	611	ORDER by agreement of the parties, directing that the community

		behavioral health centers shall make available, upon written request, behavioral health and other health and service records and information concerning Medley class members to Medley counsel and Medley Advocates, without charge to the requesting entity; to the extent such information is confidential, it shall be so maintained. (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (pdb) Modified on 02/17/2000
02/23/2000	612	RETURN: Copy of [611-1] order mailed to Eric M. Francis, P. O. Box 1458, Lewisburg, WV 24901-1458 returned by U.S. Postal Service marked "Forward Time Exp; Rtn to Send; Eric M. Francis, 208 W. Randolph St., Lewisburg, WV 24901-1024." Copy of order remailed to new address. (pdb) Modified on 02/29/2000
03/02/2000	613	ORDER scheduling Hearing for 2:00 3/17/2000 for defts' [608-1] motion to dissolve consent decree . (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (pdb)
03/15/2000	614	RETURN: Copy of [613-1] order entered 3/2/2000 mailed to Geraldine M. Guerin, Bastien & Gerwig, P.O. Box 2151, Charleston, WV 25328-2151 returned by U.S. Postal Service with handwritten note "Return to sender; no longer w/this firm -- or at this address," and marked "Returned to Sender; Not Deliverable As Addressed, Unable To Forward." (pdb) Modified on 03/16/2000
03/16/2000	615	NOTICE of Attorney Appearance for WV Dept of Education by Katherine A. Schultz, Kelli D. Talbott. (pdb)
03/21/2000	616	AMENDED NOTICE OF APPEARANCE for WV Dept of Education by Katherine A. Schultz and Kelli D. Talbott. (skh)
03/21/2000	617	ORDER granting the oral motion of defts made during a 3/16/2000 conference call to continue hearing and continuing the hearing on defts' [608-1] motion to dissolve consent decree to 1:15 on 4/28/2000 . (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (skh)
04/17/2000	618	AFFIDAVITS by WV Dept of Health in support of [608-1] and [619-1] motions to vacate/dissolve consent decree, with affidavits of compliance of Frank W. Kirkland, Director of the Division of Developmental Disabilities, Desmond Byrne, Assistant to the Deputy Secretary of the WV DHHR, Phillip A. Lynch, Chief Financial Officer, WV DHHR, Ann M. Burds, Director of the WV DHHR, and Patricia Moss, Director of the Office of Maternal and Child Health, attached. (pdb) Modified on 04/18/2000
04/17/2000	619	MOTION by WV Dept of Education to dissolve consent decree , with affidavit of compliance of the West Virginia Department of Education, Office of Special Education, and exhibits 1 through 7, attached. (skh)
04/28/2000	620	NOTICE of Attorney Appearance for John Barnette, Executive Director, Shawnee Hills Community Mental Health/Mental Retardation Center, Inc. by James W. Thomas, Thomas J. Hurney. (skh)
04/28/2000		COURT PROCEEDING: hearing on deft's motion to vacate consent

		decree; JUDGE Copenhaver; COURT REPORTER Barbara Steinke. (skh)
05/08/2000	621	MOTION by Macel Medley, Nancy Barchart to add the director of the Division of Rehabilitation Services, in her official capacity, as a party deft . (pdb)
05/16/2000	622	SUPPLEMENTATION by Macel Medley, Nancy Barchart to pltfs' original [610-1] response to WV Dept of Health's [608-1] motion to dissolve consent decree. (skh)
05/25/2000	623	REPLY by WV Dept of Education in support of its [619-1] motion to dissolve consent decree. (skh) (Entered: 05/26/2000)
06/15/2000	624	NOTICE of Special Appearance by WV Div. of Rehab. (pdb)
06/15/2000	625	RESPONSE by WV Div. of Rehab to pltfs' [621-1] motion to add party and to [622-1] supplementation to pltfs' original response to motion to vacate decree. (pdb)
06/15/2000	626	CERTIFICATE OF SERVICE by WV Div. of Rehab for document nos. 624 and 625 to all parties. (pdb)
12/19/2000	627	ORDER scheduling a Hearing at 1:15 p.m. on 1/9/2001 for WV Dept. of Health's [608-1] motion to dissolve consent decree, WV Dept. of Education's [619-1] motion to dissolve consent decree and pltfs' [621-1] motion to add the director of the Division of Rehabilitation Services, in her official capacity, as a party deft , at which lead counsel for all parties shall appear. (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (mkw) (Entered: 12/20/2000)
01/09/2001		COURT PROCEEDING: hearing on pltfs' motion to add a party deft and defts WVDHHR and WV Dept. of Education's motions to dissolve consent decree; JUDGE Copenhaver; COURT REPORTER Barbara Steinke. (skh) (Entered: 01/10/2001)
01/10/2001		COURT PROCEEDING: hearing on motion; JUDGE Copenhaver; COURT REPORTER Barbara Steinke. (skh) (Entered: 01/11/2001)
01/12/2001	628	ORDER at the 1/10/01 hearing, counsel agreed that the movant State Superintendent of Schools is in substantial compliance with the consent decree entered 10/8/81; granting in part, denying in part the WV Dept. of Education's [619-1] motion to dissolve consent decree; granting to the extent that the State Superintendent of Schools and the WV Dept. of Education are dismissed as a party to this action, denying otherwise. (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (skh) Modified on 01/16/2001
01/16/2001	629	ORDER granting pltfs' [621-1] motion to add party; directing the West Virginia Division of Rehabilitation Services be made a party deft in this action; denying without prejudice the West Virginia Department of Health and Human Resources' [608-1] motion to dissolve consent decree; once the court's efforts to conciliate the remaining issues have concluded, the WV Dept. of Health and Human Resources may renew the motion to

		dissolve consent decree on the basis of the motion, memorandum and affidavits heretofore filed or file a new motion for that purpose at any time; directing counsel for the pltfs and deft WV Dept. of Health and Human Resources attend a conference with the court at 9:30 on 1/19/01, for the purpose of identifying significant issues respecting substantial compliance and measures for resolving them . (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (ENTERED NUNC PRO TUNC 1/13/01) (skh) (Entered: 01/17/2001)
01/18/2001	630	PARTIAL TRANSCRIPT of hearing held 1/9/01 on motions to add party and dissolve consent decree; Judge Copenhaver; Court Reporter Barbara Steinke. (skh)
01/19/2001	631	ORDER rescheduling the conference previously scheduled for 1/19/01 at 9:30 to 1:30 on 1/25/01 , at which counsel for the pltfs and the deft WV Dept. of Health and Human Resources shall be present. (signed by Judge John T. Copenhaver, Jr.) (cc: attys) (skh)
02/15/2001	632	NOTICE of Attorney Appearance for Leon Ginsberg, John E. Burdette II, Mark Hudnall, George Pickett by Stephen J. Small. (skh)
03/20/2001	633	REPORT TO THE COURT by WV Div. of Rehabilitation Services pursuant to the status conference held 1/25/01. (skh)
03/21/2001	634	PROGRESS REPORT by Department of Health and Human Resources, Leon Ginsberg, John E. Burdette II, Mark Hudnall, George Pickett pursuant to the status conference held 1/25/01. (skh)

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