

**U.S. District Court  
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)  
CIVIL DOCKET FOR CASE #: 5:12-cv-00557-D**

United States of America v. State of North Carolina  
Assigned to: Chief Judge James C. Dever, III  
Cause: 42:12101 The Americans with Disabilities Act of 1990

Date Filed: 08/23/2012  
Date Terminated: 10/05/2012  
Jury Demand: None  
Nature of Suit: 446 Civil Rights:  
Americans with Disabilities – Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Anne S. Raish**  
U. S. Department of Justice  
1425 New York Avenue, N.W.  
Washington, DC 20005  
202-305-1321  
Fax: 202-307-1197  
Email: [anne.raish@usdoj.gov](mailto:anne.raish@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**G. Norman Acker , III**  
United States Attorney's Office  
310 New Bern Avenue, Suite 800  
Raleigh, NC 27601  
919-856-4315  
Fax: 919-856-4821  
Email: [norman.acker@usdoj.gov](mailto:norman.acker@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joy L. Welan**  
United States Department of Justice  
Disability Rights Section, Civil Rights  
Division  
1425 New York Avenue, N.W.  
Washington, DC 20005  
202-305-1894  
Fax: 202-305-9775  
Email: [joy.welan@usdoj.gov](mailto:joy.welan@usdoj.gov)  
**TERMINATED: 10/27/2017**

**Julia M. Graff**  
United States Department of Justice –  
Civil Rights Division  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
202-616-5319  
Fax: 202-514-7821  
Email: [julia.graff@usdoj.gov](mailto:julia.graff@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Teresa Yeh**  
United States Department of Justice –  
Civil Rights Division  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
202-616-4784  
Fax: 202-514-7821  
Email: [Teresa.Yeh@usdoj.gov](mailto:Teresa.Yeh@usdoj.gov)  
**TERMINATED: 09/21/2017**

**Travis W. England**  
 U. S. Department of Justice  
 1425 New York Avenue, N.W.  
 Washington, DC 20005  
 202-616-2042  
 Fax: 202-307-1197  
 Email: [travis.england@usdoj.gov](mailto:travis.england@usdoj.gov)  
*TERMINATED: 09/21/2017*

V.

**Defendant**

**State of North Carolina**

represented by **Brian D. Rabinovitz**  
 North Carolina Department of Justice  
 114 West Edenton Street, 9001 Mail  
 Service Center  
 Post Office Box 629  
 Raleigh, NC 27602-0629  
 919-716-6863  
 Fax: 919-716-6759  
 Email: [brabinovitz@ncdoj.gov](mailto:brabinovitz@ncdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Josephine N. Tetteh**  
 N.C. Dept. of Justice  
 P.O. Box 629  
 114 W. Edenton St.  
 Raleigh, NC 27602-0629  
 919-716-6875  
 Fax: 919-716-6756  
 Email: [jtetteh@ncdoj.gov](mailto:jtetteh@ncdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lisa G. Corbett**  
 N.C. Department of Health and Human  
 Services  
 2001 Mail Service Center  
 Raleigh, NC 27699-2001  
 919-855-4800  
 Fax: 919-733-3854  
 Email: [lisa.corbett@dhhs.nc.gov](mailto:lisa.corbett@dhhs.nc.gov)  
*TERMINATED: 01/13/2017*  
*LEAD ATTORNEY*

**Michael T. Wood**  
 North Carolina Department of Justice  
 Post Office Box 629  
 114 West Edenton Street  
 Raleigh, NC 27602-0629  
 919-716-0186  
 Fax: 919-716-6758  
 Email: [MWood@ncdoj.gov](mailto:MWood@ncdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/23/2012	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against State of North Carolina, filed by United States of America. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons for State of North Carolina) (Welan, Joy) (Entered: 08/23/2012)

08/23/2012	<u>2</u>	Joint MOTION to Dismiss <i>Without Prejudice and Retain Jurisdiction</i> by United States of America. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Settlement Agreement) (Welan, Joy) (Entered: 08/23/2012)
08/23/2012	<u>3</u>	Memorandum in Support regarding <u>2</u> Joint MOTION to Dismiss <i>Without Prejudice and Retain Jurisdiction</i> filed by United States of America. (Welan, Joy) (Entered: 08/23/2012)
08/23/2012		NOTICE TO COUNSEL – Counsel should file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Heath, D.) (Entered: 08/23/2012)
08/23/2012	<u>4</u>	NOTICE of Appearance by Joy L. Welan on behalf of United States of America (Welan, Joy) (Entered: 08/23/2012)
08/23/2012	<u>5</u>	Summons Issued as to State of North Carolina. (Grady, B.) (Entered: 08/23/2012)
08/24/2012	<u>6</u>	NOTICE of Appearance by Travis W. England on behalf of United States of America (England, Travis) (Entered: 08/24/2012)
08/24/2012	<u>7</u>	NOTICE of Appearance by Anne S. Raish on behalf of United States of America (Raish, Anne) (Entered: 08/24/2012)
08/29/2012	<u>8</u>	NOTICE of Appearance by Lisa G. Corbett on behalf of State of North Carolina (Corbett, Lisa) (Entered: 08/29/2012)
09/05/2012		Motion Submitted to Senior Judge James C. Fox: <u>2</u> Joint MOTION to Dismiss <i>Without Prejudice and Retain Jurisdiction</i> . (Edwards, S.) (Entered: 09/05/2012)
09/07/2012	<u>9</u>	NOTICE by United States of America <i>of Service</i> (Attachments: # <u>1</u> Exhibit A) (Welan, Joy) (Entered: 09/07/2012)
09/11/2012		NOTICE OF DEFICIENCY regarding: <u>9</u> Notice–(other). Failure to identify exhibit pursuant to Section L(2)(b) of the Court's Electronic Policy and Procedure Manual. Counsel is directed to refile the Notice and identify the exhibit. (Heath, D.) (Entered: 09/11/2012)
09/11/2012	<u>10</u>	NOTICE by United States of America <i>of Service</i> (Attachments: # <u>1</u> Exhibit A -- Postal Service Form 3811: Return Receipt Proof of Service) (England, Travis) (Entered: 09/11/2012)
09/14/2012	<u>11</u>	MOTION for Extension of Time to File Answer regarding <u>1</u> Complaint by State of North Carolina. (Attachments: # <u>1</u> Text of Proposed Order) (Corbett, Lisa) (Entered: 09/14/2012)
09/15/2012		MOTION REFERRED Julie A. Richards, Clerk of Court: <u>11</u> MOTION for Extension of Time to File Answer regarding <u>1</u> Complaint. (Edwards, S.) (Entered: 09/15/2012)
09/17/2012	<u>12</u>	ORDER granting <u>11</u> Motion for Extension of Time to Answer. Signed by Julie A. Richards, Clerk of Court on 9/17/2012. (Marsh, K) (Entered: 09/17/2012)
10/05/2012	<u>13</u>	ORDER granting <u>2</u> Motion to Dismiss. Counsel is reminded to read the order in its entirety for further information. Signed by Senior Judge James C. Fox on 10/5/2012. (Edwards, S.) (Entered: 10/05/2012)
01/09/2017	<u>14</u>	Notice of Appearance filed by Julia M. Graff on behalf of United States of America. (Graff, Julia) (Entered: 01/09/2017)
01/09/2017	<u>15</u>	MOTION to Enforce Settlement Agreement ( <i>D.E. 2-2</i> ) filed by United States of America. (Attachments: # <u>1</u> Memorandum in Support of Motion to Enforce Settlement Agreement, with Proposed Order, # <u>2</u> Exhibit List, # <u>3</u> Exhibit A – Letter of Findings (July 28, 2011), # <u>4</u> Exhibit B – July 2014 Monthly Report (Aug. 25, 2014), # <u>5</u> Exhibit C – June 2014 Monthly Report (undated), # <u>6</u> Exhibit D – May 2014 Monthly Report (undated), # <u>7</u> Exhibit E, – April 2014 Monthly Report (undated) # <u>8</u> Exhibit F – August 2014 Monthly Report (Sept. 25, 2014), # <u>9</u> Exhibit G – January 2015 Monthly Report (Feb. 25, 2015), # <u>10</u> Exhibit H – Letter from Nicholas Lee to Lisa Corbett (Mar. 17, 2015), # <u>11</u> Exhibit I – Letter from Lisa Corbett to Nicholas Lee (June 29, 2015), # <u>12</u> Exhibit J – May 2016 Letter from North Carolina (May 27, 2016), # <u>13</u> Exhibit K – June 2015 Monthly Report (July 27, 2015), # <u>14</u> Exhibit L – August 2015 Monthly Report (Sept. 30, 2015), # <u>15</u> Exhibit M – Letter from Nicholas Lee to Roy Cooper and Richard Brajer (11/6/15), # <u>16</u> Exhibit N – Letter from

		Richard Brajer to Nicholas Lee (Dec. 22, 2015), # <u>17</u> Exhibit O – Letter from Nicholas Lee to Roy Cooper and Richard Brajer (3/24/16), # <u>18</u> Exhibit P – Letter from Teresa Yeh to Roy Cooper and Richard Brajer (10/21/16), # <u>19</u> Exhibit Q, – June 2016 Monthly Report (July 28, 2016) # <u>20</u> Exhibit R – N.C. Supportive Housing Corrective Action Plan (June 3, 2016), # <u>21</u> Exhibit S – November 2016 Monthly Report (Dec. 29, 2016), # <u>22</u> Exhibit T – Year One Summary (Aug. 7, 2013), # <u>23</u> Exhibit U – Transitions to Community Living Update as of January 6, 2014, # <u>24</u> Exhibit V – Supported Employment Strategic Plan (Sept. 2014), # <u>25</u> Exhibit W, – December 2014 Monthly Report (Jan. 27, 2015) # <u>26</u> Exhibit X – 2014 Annual Report (May 15, 2015), # <u>27</u> Exhibit Y – July 2015 Monthly Report (Aug. 25, 2015), # <u>28</u> Exhibit Z) (Graff, Julia) Modified on 3/22/2017 to identify exhibits. (Grady, B.) (Entered: 01/09/2017)
01/09/2017		NOTICE OF DEFICIENCY regarding <u>14</u> Notice of Appearance. Counsel is directed to flatten the notice of appearance and refile in accordance with Section B(3) of the CM/ECF Policies and Procedures Manual. Additionally, counsel should include a certificate of service. (Grady, B.) (Entered: 01/09/2017)
01/09/2017		REMINDER TO COUNSEL. Pursuant to Judge Fox's <u>Practice Preferences</u> located on the court's website, counsel shall provide a courtesy copy of lengthy briefs, by mailing or delivering to the clerk's office in Wilmington. Also, in the future, counsel should properly identify exhibits in the docket text pursuant to Section L of the CM/ECF Policies and Procedures Manual. (Grady, B.) (Entered: 01/09/2017)
01/09/2017	<u>16</u>	Notice of Appearance filed by Julia M. Graff on behalf of United States of America. (Graff, Julia) (Entered: 01/09/2017)
01/09/2017	<u>17</u>	Notice of Appearance filed by Teresa Yeh on behalf of United States of America. (Yeh, Teresa) (Entered: 01/09/2017)
01/11/2017	<u>18</u>	Notice of Appearance filed by Michael T. Wood on behalf of State of North Carolina. (Wood, Michael) (Entered: 01/11/2017)
01/11/2017	<u>19</u>	Notice of Appearance filed by Brian D. Rabinovitz on behalf of State of North Carolina. (Rabinovitz, Brian) (Entered: 01/11/2017)
01/13/2017	<u>20</u>	Notice of Appearance filed by Josephine N. Tetteh on behalf of State of North Carolina. (Tetteh, Josephine) (Entered: 01/13/2017)
01/13/2017	<u>21</u>	Notice filed by State of North Carolina <i>Withdrawal</i> . (Tetteh, Josephine) (Entered: 01/13/2017)
01/25/2017	<u>22</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION to Enforce Settlement Agreement ( <i>D.E. 2-2</i> ) filed by State of North Carolina. (Attachments: # <u>1</u> Text of Proposed Order Proposed order) (Wood, Michael) (Entered: 01/25/2017)
01/25/2017		Motion Referred to Julie Richards Johnston, Clerk of Court: <u>22</u> Consent MOTION for Extension of Time to File Response as to <u>15</u> MOTION to Enforce Settlement Agreement. (Grady, B.) (Entered: 01/25/2017)
01/25/2017		TEXT ORDER granting the consent motion for extension of time <u>22</u> . Defendant shall have up to and including March 1, 2017 to respond to the plaintiff's motion to enforce settlement agreement <u>15</u> . Plaintiff's reply in support of the motion, if any, shall be due within 21 days after defendant's response is filed. Signed by Julie Richards Johnston, Clerk of Court on 1/25/2017. (Hockaday, A.) (Entered: 01/25/2017)
03/01/2017	<u>23</u>	Memorandum in Opposition regarding <u>15</u> MOTION to Enforce Settlement Agreement ( <i>D.E. 2-2</i> ) filed by State of North Carolina. (Attachments: # <u>1</u> Index Exhibit Index, # <u>2</u> Exhibit 1–Ltr from Brajer to Gupta 10–15–15, # <u>3</u> Exhibit 2–January 2017 Monthly Report, # <u>4</u> Exhibit 3–2015 Annual Report 10–14–15, # <u>5</u> Exhibit 4–Corrective Action Plan 12–22–15, # <u>6</u> Exhibit 5–Supportive Housing Corrective Action Plan 6–3–16, # <u>7</u> Exhibit 6–Supported Employment Corrective Action Plan 6–3–16, # <u>8</u> Exhibit 7–Services and Support Corrective Action Plan 6–3–16, # <u>9</u> Exhibit 8–2016 Annual Report 10–1–16, # <u>10</u> Exhibit 9–Declaration of Jessica Keith 3–1–17, # <u>11</u> Exhibit 10–Affidavit of Al Delia 2–28–17, # <u>12</u> Exhibit 11–Affidavit of Tara Larson 2–28–17, # <u>13</u> Exhibit 12–Affidavit of Beth Melcher 2–28–17, # <u>14</u> Exhibit 13–December 2016 Monthly Report) (Wood, Michael) (Entered: 03/01/2017)

03/06/2017	<u>24</u>	Notice of Appearance filed by G. Norman Acker, III on behalf of United States of America. (Acker, G.) (Entered: 03/06/2017)
03/22/2017	<u>25</u>	REPLY to Response to Motion regarding <u>15</u> MOTION to Enforce Settlement Agreement (D.E. 2-2) filed by United States of America. (Yeh, Teresa) (Entered: 03/22/2017)
03/22/2017		Motion Submitted to Senior Judge James C. Fox: <u>15</u> MOTION to Enforce Settlement Agreement (D.E. 2-2). (Grady, B.) (Entered: 03/22/2017)
06/21/2017	<u>26</u>	Notice filed by United States of America regarding <u>25</u> Reply to Response to Motion to Enforce the Settlement Agreement. (Attachments: # <u>1</u> Exhibit Letter from Martha Knisley) (Yeh, Teresa) (Entered: 06/21/2017)
06/22/2017	<u>27</u>	TEXT ORDER REASSIGNING CASE. At the direction of the Court, this case is reassigned to Chief Judge James C. Dever, III for all further proceedings. Senior Judge James C. Fox is no longer assigned to case. All future filings shall reflect the revised case number of 5:12-CV-557-D. Any previously scheduled hearings will be rescheduled. Entered by Peter A. Moore, Jr., Clerk of Court on 6/22/2017. (Powers, S.) (Entered: 06/22/2017)
06/27/2017		Motion No Longer Submitted to Senior Judge James C. Fox: regarding <u>15</u> MOTION to Enforce Settlement Agreement (D.E. 2-2). (Briggeman, N.) (Entered: 06/27/2017)
06/27/2017		Motion Submitted to Chief Judge James C. Dever III: regarding <u>15</u> MOTION to Enforce Settlement Agreement (D.E. 2-2). (Briggeman, N.) (Entered: 06/27/2017)
09/20/2017	<u>28</u>	Notice of Withdrawal as Attorney filed by United States of America. (Graff, Julia) Modified on 9/21/2017 - changed text to correspond with document filed. (Briggeman, N.) (Entered: 09/20/2017)
09/21/2017	<u>29</u>	ORDER granting in part and denying in part <u>15</u> Motion to Enforce Settlement Agreement (D.E. 2-2). The parties shall negotiate in good faith and file any agreed-to modifications by October 27,2017. Signed by Chief Judge James C. Dever III on 9/21/2017. (Briggeman, N.) (Entered: 09/22/2017)
10/27/2017	<u>30</u>	Joint MOTION to Enter Modification of Settlement Agreement and Extend Jurisdiction regarding <u>29</u> Order on Motion for Miscellaneous Relief, filed by United States of America. (Attachments: # <u>1</u> Exhibit Modification of Settlement Agreement, # <u>2</u> Text of Proposed Order Proposed Consent Order Entering Modification of Settlement Agreement and Extending Jurisdiction) (Graff, Julia) (Entered: 10/27/2017)
10/27/2017		Motion Submitted to Chief Judge James C. Dever III: regarding <u>30</u> Joint MOTION to Enter Modification of Settlement Agreement and Extend Jurisdiction regarding <u>29</u> Order on Motion for Miscellaneous Relief. (Briggeman, N.) (Entered: 10/27/2017)
10/27/2017	<u>31</u>	NOTICE of Withdrawal of Governmental Counsel filed by United States of America. (Graff, Julia) Modified on 10/27/2017 - changed docket text to correctly reflect document filed. (Briggeman, N.) (Entered: 10/27/2017)
11/01/2017	<u>32</u>	ORDER granting <u>30</u> Motion to Enter Modification of Settlement Agreement and Extend Jurisdiction regarding <u>29</u> Order on Motion for Miscellaneous Relief. Signed by Chief Judge James C. Dever III on 11/1/2017. (Briggeman, N.) (Entered: 11/01/2017)