

CLOSED

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:11-cv-00354-FL**

L.S., et al v. Brajer, et al
Assigned to: District Judge Louise Wood Flanagan
Case in other court: 4Th Circuit Court of Appeals, 12-01575
Cause: 42:1983 Civil Rights Act

Date Filed: 07/01/2011
Date Terminated: 12/31/2015
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

K.C.

*a minor child, by and through his mother
and next friend, Africa H.*

represented by **Morris Fonville McAdoo**
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Plaintiff

Allison Taylor Johns

represented by

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Douglas Stuart Sea
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Martha Jane Perkins
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John R. Rittelmeyer
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

L.S.
*a minor child, by and through his father
and next friend, Ron S.*

represented by **Morris Fonville McAdoo**
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LEAD ATTORNEY
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Jennifer Leah Bills
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Martha Jane Perkins
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John R. Rittelmeyer
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Plaintiff

D.C.
*a minor child, by and through his mother
and next friend, Penny C.*

represented by **Morris Fonville McAdoo**
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John R. Rittelmeyer
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V.

Intervenor Plaintiff

M.S.

*a minor child, by and through his parent
and natural guardian Rachelle S.*

represented by **Douglas Stuart Sea**
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V.

Defendant

Lanier M. Cansler

*in his official capacity as Secretary of the
Department of Health and Human
Services*
TERMINATED: 03/16/2012

represented by **Belinda A. Smith**
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TERMINATED: 09/30/2015

Defendant

Pamela Shipman

*in her official capacity as Area Director
of Piedmont Behavioral Health Care
Area Mental Health, Developmental
Disabilities, and Substance Abuse
Authority*

represented by **Alison R. Bost**
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Defendant

**Piedmont Behavioral Healthcare Area
Mental Health, Developmental
Disabilities and Substance Abuse
Authority**
doing business as
PBH

represented by **Alison R. Bost**
(See above for address)
TERMINATED: 01/11/2012
LEAD ATTORNEY

Raboteau T. Wilder , Jr.
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TERMINATED: 01/11/2012
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Stephen D. Martin
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ATTORNEY TO BE NOTICED

Wallace C. Hollowell , III
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Aldona Zofia Wos
*in her official capacity as Secretary of
 the Department of Health and Human
 Services*
TERMINATED: 09/30/2015

represented by **Belinda A. Smith**
 (See above for address)
TERMINATED: 12/28/2015
LEAD ATTORNEY

Iain Stauffer
 (See above for address)
TERMINATED: 09/30/2015

Defendant

Richard Brajer
*in his official capacity as the Secretary of
 the Department of Health and Human
 Services*

represented by **Belinda A. Smith**
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TERMINATED: 12/28/2015
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Iain Stauffer
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TERMINATED: 09/30/2015

Date Filed	#	Docket Text
07/04/2011		NOTICE OF DEFICIENCY – All documents in this case have been provisionally SEALED due to counsel's failure to comply with Local Civil Rule 17.1(d). Counsel must correct and refile all documents, removing all references to the names of minor children. Only initials may be utilized in reference to minor children. (Baker, C.) (Entered: 07/04/2011)
07/05/2011	<u>6</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 253PH4L5) filed by K.C., D.C., L.S., Allison Taylor Johns. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Cansler Summons, # <u>3</u> PBH Summons, # <u>4</u> Shipman Summons) (Rittelmeyer, John) (Entered: 07/05/2011)
07/05/2011	<u>7</u>	FINANCIAL DISCLOSURE STATEMENT by K.C. (Rittelmeyer, John) (Entered: 07/05/2011)
07/05/2011	<u>8</u>	FINANCIAL DISCLOSURE STATEMENT by Allison Taylor Johns. (Rittelmeyer, John) (Entered: 07/05/2011)
07/05/2011	<u>9</u>	FINANCIAL DISCLOSURE STATEMENT by L.S. (Rittelmeyer, John) (Entered: 07/05/2011)

07/05/2011	<u>10</u>	FINANCIAL DISCLOSURE STATEMENT by D.C. (Rittelmeyer, John) (Entered: 07/05/2011)
07/05/2011	<u>11</u>	Summonses Issued as to Lanier M. Cansler, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, and Pamela Shipman. Counsel should print summonses and effect service. (Baker, C.) (Entered: 07/05/2011)
07/05/2011	<u>12</u>	NOTICE of Appearance by Raboteau T. Wilder, Jr on behalf of Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Wilder, Raboteau) (Entered: 07/05/2011)
07/05/2011	<u>13</u>	FINANCIAL DISCLOSURE STATEMENT by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Wilder, Raboteau) (Entered: 07/05/2011)
07/05/2011	<u>14</u>	FINANCIAL DISCLOSURE STATEMENT by Pamela Shipman. (Wilder, Raboteau) (Entered: 07/05/2011)
07/06/2011	<u>15</u>	NOTICE of Appearance by Stephen D. Martin on behalf of Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 07/06/2011)
07/06/2011	<u>16</u>	NOTICE of Appearance by Wallace C. Hollowell, III on behalf of Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Hollowell, Wallace) (Entered: 07/06/2011)
07/11/2011	<u>17</u>	NOTICE of Appearance by Belinda A. Smith on behalf of Lanier M. Cansler. (Smith, Belinda) (Entered: 07/11/2011)
07/11/2011	<u>18</u>	MOTION for Extension of Time to File Answer re <u>6</u> Complaint, by Lanier M. Cansler. (Attachments: # <u>1</u> Text of Proposed Order Granting Enlargement of Time) (Smith, Belinda) (Entered: 07/11/2011)
07/12/2011		MOTION REFERRED to Dennis P. Iavarone, Clerk of Court – <u>18</u> MOTION for Extension of Time to File Answer re <u>6</u> Complaint. (Baker, C.) (Entered: 07/12/2011)
07/12/2011	<u>19</u>	ORDER – This matter came before the court on class action complaint filed July 5, 2011, wherein plaintiffs request temporary, preliminary, and permanent injunctive relief. Although no formal motion rises to the face of the docket, the court has cause to consider plaintiffs' requests for temporary injunctive relief lodged in the complaint. Plaintiffs' request for temporary injunctive relief is DENIED. Preliminary injunctive relief is still available to plaintiffs upon motion properly supported and notice to defendants. The parties are encouraged to confer and propose alternative dates for conference by telephone with the court immediately after response is made to the complaint by defendants. At conference, the court will discuss the case schedule and briefing on the anticipated motion for preliminary injunction. Signed by Chief Judge Louise Wood Flanagan on 07/12/2011. (Baker, C.) (Entered: 07/12/2011)
07/12/2011	<u>20</u>	ORDER granting <u>18</u> Motion for Extension of Time to Answer Complaint – Lanier M. Cansler's answer due 8/29/2011. Signed by Dennis P. Iavarone, Clerk of Court on 07/12/2011. (Baker, C.) (Entered: 07/12/2011)
07/13/2011	<u>21</u>	FINANCIAL DISCLOSURE STATEMENT by Lanier M. Cansler. (Smith, Belinda) (Entered: 07/13/2011)
07/15/2011	<u>22</u>	MOTION for Extension of Time to File Answer re <u>6</u> Complaint, by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 07/15/2011)
07/15/2011		MOTION REFERRED to Dennis P. Iavarone, Clerk of Court – <u>22</u> MOTION for Extension of Time to File Answer re <u>6</u> Complaint. (Baker, C.) (Entered: 07/15/2011)
07/15/2011	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to Answer Complaint – Answer due 08/29/2011 by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority and Pamela Shipman. Signed by Dennis P. Iavarone, Clerk of Court on 07/15/2011. (Baker, C.) (Entered: 07/15/2011)

07/26/2011	<u>24</u>	NOTICE of Appearance by Jennifer Leah Bills on behalf of All Plaintiffs. (Bills, Jennifer) (Entered: 07/26/2011)
07/27/2011		**** Set Hearing: Telephonic Conference as to <u>19</u> ORDER set for 8/30/2011 at 12:30 PM before Chief Judge Louise Wood Flanagan. Dial-In instructions sent to counsel on 7/27/2011. (Tripp, S.) (Entered: 07/27/2011)
08/03/2011	<u>25</u>	NOTICE of Appearance by Morris Fonville McAdoo on behalf of All Plaintiffs. (McAdoo, Morris) (Entered: 08/03/2011)
08/23/2011	<u>26</u>	NOTICE of Appearance by Douglas Stuart Sea on behalf of D.C., Allison Taylor Johns, K.C., L.S. (Sea, Douglas) (Entered: 08/23/2011)
08/23/2011	<u>27</u>	MOTION to Disqualify Counsel by D.C., Allison Taylor Johns, K.C., L.S. (Sea, Douglas) (Entered: 08/23/2011)
08/23/2011	<u>28</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKET ENTRY <u>30</u> * – AFFIDAVIT re <u>27</u> MOTION to Disqualify Counsel by D.C., Allison Taylor Johns, K.C., L.S. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F) (Sea, Douglas) Modified on 8/24/2011 to insert refiling information. (Baker, C.) (Entered: 08/23/2011)
08/24/2011		NOTICE OF DEFICIENCY re: <u>28</u> Affidavit – Counsel is directed to refile this document and bring it into compliance with Section L of this court's Electronic Case Filing Administrative Policies and Procedures Manual pertaining to clear and complete identification/description of attachments and exhibits. (Baker, C.) (Entered: 08/24/2011)
08/24/2011	<u>29</u>	AFFIDAVIT by Jane Perkins re <u>27</u> MOTION to Disqualify Counsel by D.C., Allison Taylor Johns, K.C., L.S. (Sea, Douglas) Modified on 8/24/2011 to clarify docket entry text. (Baker, C.) (Entered: 08/24/2011)
08/24/2011	<u>30</u>	AFFIDAVIT of Douglas Sea regarding <u>27</u> MOTION to Disqualify Counsel by D.C., Allison Taylor Johns, K.C., L.S. (Attachments: # <u>1</u> Exhibit A – Emails with Womble, # <u>2</u> Exhibit B – Settlement Agreement, # <u>3</u> Exhibit C – Amended Complaint, # <u>4</u> Exhibit D – PBH Memo, # <u>5</u> Exhibit E – Comparison of allegations, # <u>6</u> Exhibit F – Bar Rules) (Sea, Douglas) (Entered: 08/24/2011)
08/24/2011	<u>31</u>	MOTION for Preliminary Injunction by D.C., Allison Taylor Johns, K.C., L.S. (Attachments: # <u>1</u> Affidavit of Douglas Sea, # <u>2</u> Sea Exhibit A–CMS letter, # <u>3</u> Sea Exhibit B part one–waiver, # <u>4</u> Exhibit Sea Exhibit B part two–waiver, # <u>5</u> Sea Exhibit C Contract, # <u>6</u> Sea Exhibit D PBH 4–18 memo, # <u>7</u> Sea Exhibit E waiver amendment, # <u>8</u> Sea Exhibit F SNM guide, # <u>9</u> Sea Exhibit G 2nd 4–18 PBH memo, # <u>10</u> Sea Exhibit H SIS results, # <u>11</u> Sea Exhibit I Aug 2010 PBH memo, # <u>12</u> Sea Exhibit J Apr 2011 PBH memo, # <u>13</u> Sea Exhibit K SIS Info, # <u>14</u> Sea Exhibit L July 15 PBH release, # <u>15</u> Sea Exhibit M DMA memo, # <u>16</u> Sea Exhibit N PBH slides, # <u>17</u> Sea Exhibit O PBH provider manual, # <u>18</u> Sea Exhibit P PBH Family Guide, # <u>19</u> Sea Exhibit Q PBH March 2011 memo, # <u>20</u> Sea Exhibit R PBH consumer handbook, # <u>21</u> Sea Exhibit S PBH March 2011 release, # <u>22</u> Sea Exhibit T PBH SIS chart, # <u>23</u> Affidavit of Ron S. Declaration, # <u>24</u> Ron S. Exhibit A SIS Rpt, # <u>25</u> Ron S. Exhibit B SIS rpt 2, # <u>26</u> Ron S. Exhibit C Plan of care, # <u>27</u> Ron S. Exhibit D–plan update, # <u>28</u> Ron S. Exhibit E–4–4–11 ltr, # <u>29</u> Affidavit of Holzlohner, # <u>30</u> Holzlohner Exhibit A SIS rpt, # <u>31</u> Holzlohner Exhibit B SNM ltr, # <u>32</u> Affidavit of Peters, # <u>33</u> Peters Exhibit A–SNM ltr, # <u>34</u> Affidavit of Penny C., # <u>35</u> Penny C. Exhibit A 3–4–10 Ltr, # <u>36</u> Penny C. Exhibit B SIS rpt, # <u>37</u> Penny C. Exhibit C 6–4–11 ltr, # <u>38</u> Penny C. Exhibit D 3–11 assessment, # <u>39</u> Penny C. Exhibit E 3–11 evaluation, # <u>40</u> Penny C. Exh F 4–11 Plan, # <u>41</u> Penny C. Exhibit G undated Ltr, # <u>42</u> Penny C. Exhibit H 4–8–11 memo, # <u>43</u> Penny C. Exhibit I 4–4–11 ltr, # <u>44</u> Penny C. Exhibit J 4–20–11 memo, # <u>45</u> Penny C. Exhibit K 4–21–11 ltr, # <u>46</u> Penny C. Exhibit L 4–27–11 ltr, # <u>47</u> Penny C. Exhibit M 5–25–11 ltr, # <u>48</u> Penny C. Exhibit N Inten Review Request, # <u>49</u> Penny C. Exhibit O Internal Revenue Decision, # <u>50</u> Penny C. Exhibit P 6–10 plan update, # <u>51</u> Penny C. Exhibit Q 6–22–11 letter, # <u>52</u> Penny C. Exhibit R 6–28–11 memo, # <u>53</u> Penny C. Exhibit S 6–29 email, # <u>54</u> Penny C. Exhibit T 6–30–11 email, # <u>55</u> Penny C. Exhibit U 6–30 Plan update, # <u>56</u> Penny C. Exhibit V 7–11–11 memo, # <u>57</u> Penny C. Exhibit W 7–14 plan update, # <u>58</u> Penny C. Exhibit X 8–4–11 ltr, # <u>59</u> Affidavit of Murrone, # <u>60</u> Affidavit of Strange, # <u>61</u> Affidavit of Heath, # <u>62</u> Heath Exhibit A 2011 SIS, # <u>63</u> Heath Exhibit B 2010 SIS, # <u>64</u> Heath Exhibit C 6–11 Plan

		update, # <u>65</u> Heath Exhibit D 3–11 plan update, # <u>66</u> Heath Exhibit E 2010 Plan, # <u>67</u> Heath Exhibit F 4–4–11 ltr, # <u>68</u> Heath Exhibit G undated ltr, # <u>69</u> Affidavit of Johns, # <u>70</u> Johns Exhibit A SIS rpt, # <u>71</u> Johns Exhibit B 5–11 plan update, # <u>72</u> Johns Exhibit C 2010 plan, # <u>73</u> Johnsibit Exh D 4–4–11 ltr, # <u>74</u> Affidavit of Melissa W., # <u>75</u> Melissa W. Exhibit A SNM ltr, # <u>76</u> Melissa W. Exhibit B plan updates, # <u>77</u> Melissa W. Exhibit C SIS rpts) (Sea, Douglas) (Entered: 08/24/2011)
08/24/2011	<u>32</u>	MEMORANDUM IN SUPPORT re <u>32</u> Motion for Preliminary Injunction by D.C., Allison Taylor Johns, K.C., L.S. (Sea, Douglas) Modified on 8/25/2011 to correct docket entry text and terminate erroneous motion event. (Baker, C.) (Entered: 08/24/2011)
08/25/2011		NOTICE OF CORRECTION re: <u>32</u> Motion for Preliminary Injunction – This is not a motion. This is a memorandum in support of a motion. In future filings, counsel is reminded that motion events are not to be utilized for non–motion filings. The Clerk's office has corrected the deficiency in this instance. (Baker, C.) (Entered: 08/25/2011)
08/25/2011	<u>33</u>	NOTICE of Appearance by Martha Jane Perkins on behalf of All Plaintiffs. (Perkins, Martha) (Entered: 08/25/2011)
08/29/2011	<u>34</u>	First MOTION to Certify Class by D.C., Allison Taylor Johns, K.C., L.S. Responses due by 9/19/2011. (Attachments: # <u>1</u> Appendix unreported decision EQ Indus, # <u>2</u> Appendix unreported decision Martin, # <u>3</u> Appendix unreported Decision Dajour B, # <u>4</u> Affidavit Declaration Of John Rittelmeyer, # <u>5</u> Affidavit Declaration of Jennifer Bills, # <u>6</u> Affidavit 3rd Affidavit of Douglas Sea, # <u>7</u> Exhibit Sea Affid Exh A Waiver Alert, # <u>8</u> Affidavit Declaration of Jane Perkins) (Sea, Douglas) (Entered: 08/29/2011)
08/29/2011	<u>35</u>	Memorandum in Support re <u>34</u> First MOTION to Certify Class filed by D.C., Allison Taylor Johns, K.C., L.S. (Sea, Douglas) (Entered: 08/29/2011)
08/29/2011	<u>36</u>	Declaration re <u>34</u> First MOTION to Certify Class <i>as Corrected by Jane Perkins</i> by D.C., Allison Taylor Johns, K.C., L.S. (Sea, Douglas) (Entered: 08/29/2011)
08/29/2011	<u>37</u>	ANSWER to <u>6</u> Complaint, by Lanier M. Cansler. (Smith, Belinda) (Entered: 08/29/2011)
08/29/2011		NOTICE TO COUNSEL re: <u>19</u> Order – Telephonic Scheduling Conference. Counsel is hereby advised that the originally scheduled telephonic Scheduling Conference set for this matter on 8/30/2011 at 12:30 p.m. is to be rescheduled to a date uncertain at this time. Counsel will be notified accordingly once a new date has been set. (Edwards, S.) (Entered: 08/29/2011)
08/29/2011	<u>38</u>	ANSWER to <u>6</u> Complaint, <i>and Affirmative Defenses</i> by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 08/29/2011)
09/07/2011	<u>39</u>	ORDER – The court dispenses with the telephonic conference postponed from August 30, 2011 due to Hurricane Irene given the procedural posture that the case has assumed since entry of the court's order on July 12, 2011. Of its own initiative, the court STAYS the time for defendant to respond to the motions for preliminary injunction and to certify the class, turning its attention to the plaintiffs' motion to disqualify counsel. Signed by Chief Judge Louise Wood Flanagan on 09/06/2011. (Baker, C.) (Entered: 09/07/2011)
09/16/2011	<u>40</u>	Memorandum in Opposition re <u>27</u> MOTION to Disqualify Counsel filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Wilder, Raboteau) (Entered: 09/16/2011)
09/16/2011	<u>41</u>	AFFIDAVIT re <u>40</u> Memorandum in Opposition " <i>Affidavit of Pamela L. Shipman</i> " by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Wilder, Raboteau) (Entered: 09/16/2011)
09/16/2011	<u>42</u>	AFFIDAVIT re <u>40</u> Memorandum in Opposition " <i>Affidavit of Andrea J. Misenheimer</i> " by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Exhibit A – 2011 Validity and Reliability Results) (Wilder, Raboteau) (Entered: 09/16/2011)

09/16/2011	<u>43</u>	AFFIDAVIT regarding <u>40</u> Memorandum in Opposition " <i>Affidavit of Reid C. Adams</i> " by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Exhibit A – Perkins Email, # <u>2</u> Exhibit B – Notice of Appearance, # <u>3</u> Exhibit C – Order, # <u>4</u> Exhibit D – Settlement Agreement, # <u>5</u> Exhibit E – Order of Approval of Settlement Agreement, # <u>6</u> Exhibit F – Email String – Sea, # <u>7</u> Exhibit G – Email String – Perkins/Sea, # <u>8</u> Exhibit H – Notice of Ethical Screen) (Wilder, Raboteau) (Entered: 09/16/2011)
09/16/2011	<u>44</u>	AFFIDAVIT regarding <u>40</u> Memorandum in Opposition " <i>Affidavit of Murray C. Greason III</i> " by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Exhibit A – Notice of Appearance, # <u>2</u> Exhibit B – Order, # <u>3</u> Exhibit C – Settlement Agreement, # <u>4</u> Exhibit D – Order of Approval of Settlement Agreement, # <u>5</u> Exhibit E – Email String – Sea, # <u>6</u> Exhibit F – Email String – Perkins/Sea, # <u>7</u> Exhibit G – Notice of Ethical Screen) (Wilder, Raboteau) (Entered: 09/16/2011)
09/16/2011	<u>45</u>	AFFIDAVIT regarding <u>40</u> Memorandum in Opposition " <i>Affidavit of David J. Mazza</i> " by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Exhibit A – Notice of Appearance, # <u>2</u> Exhibit B – Order, # <u>3</u> Exhibit C – Settlement Agreement, # <u>4</u> Exhibit D – Order of Approval of Settlement Agreement, # <u>5</u> Exhibit E – Email String – Sea, # <u>6</u> Exhibit F – Email String – Perkins/Sea, # <u>7</u> Exhibit G – Notice of Ethical Screen) (Wilder, Raboteau) (Entered: 09/16/2011)
09/16/2011	<u>46</u>	AFFIDAVIT regarding <u>40</u> Memorandum in Opposition " <i>Affidavit of Raboteau T. Wilder, Jr.</i> " by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Exhibit A – Notice of Ethical Screen, # <u>2</u> Exhibit B – CPR 147) (Wilder, Raboteau) (Entered: 09/16/2011)
09/16/2011	<u>47</u>	RESPONSE to Motion re <u>27</u> MOTION to Disqualify Counsel filed by Lanier M. Cansler. (Smith, Belinda) (Entered: 09/16/2011)
09/22/2011	<u>48</u>	REPLY to Response to Motion re <u>27</u> MOTION to Disqualify Counsel <i>as to Arguments Raised by Defendant PBH</i> filed by D.C., K.C., L.S. (Attachments: # <u>1</u> Exhibit – HCBS Waiver Application, # <u>2</u> Exhibit – NC State Bar Journal Article) (Rittelmeyer, John) (Entered: 09/22/2011)
09/22/2011	<u>49</u>	REPLY to Response to Motion re <u>27</u> MOTION to Disqualify Counsel <i>as to Arguments Raised by Defendant Cansler</i> filed by D.C., K.C., L.S. (Rittelmeyer, John) (Entered: 09/22/2011)
09/22/2011	<u>50</u>	First MOTION to Seal <u>45</u> Affidavit, <u>44</u> Affidavit, <u>43</u> Affidavit, by D.C., K.C., L.S. (Rittelmeyer, John) (Entered: 09/22/2011)
09/22/2011	<u>51</u>	Memorandum in Support re <u>50</u> First MOTION to Seal <u>45</u> Affidavit, <u>44</u> Affidavit, <u>43</u> Affidavit, filed by D.C., K.C., L.S. (Rittelmeyer, John) (Entered: 09/22/2011)
09/22/2011		Remark – Affidavits at <u>43</u> , <u>44</u> , and <u>45</u> provisionally sealed pending this court's ruling in re <u>50</u> MOTION to Seal. (Baker, C.) (Entered: 09/22/2011)
10/18/2011		Motion Submitted to District Judge Louise Wood Flanagan – <u>50</u> First MOTION to Seal <u>43</u> Affidavit, <u>44</u> Affidavit, <u>45</u> Affidavit and <u>27</u> MOTION to Disqualify Counsel. (Baker, C.) (Entered: 10/18/2011)
10/20/2011	<u>52</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKET ENTRY <u>55</u> * – Third Party MOTION to Intervene by D.C., Allison Taylor Johns, K.C., L.S.. (Attachments: # <u>1</u> Affidavit Declaration of Hagan, # <u>2</u> Affidavit Declaration of Simmons, # <u>3</u> Affidavit Declaration of Rachelle S, # <u>4</u> Exhibit Rachelle S Ex A, # <u>5</u> Exhibit Rachelle S Ex B, # <u>6</u> Exhibit Rachelle S Ex C, # <u>7</u> Exhibit Rachelle S Ex D, # <u>8</u> Exhibit Rachelle S Ex E, # <u>9</u> Exhibit Rachelle S Ex F, # <u>10</u> Exhibit Rachelle S Ex G, # <u>11</u> Exhibit Rachelle S Ex H, # <u>12</u> Exhibit Rachelle S Ex I, # <u>13</u> Exhibit Rachelle S Ex J, # <u>14</u> Exhibit Rachelle S Ex K, # <u>15</u> Exhibit Rachelle S Ex L, # <u>16</u> Exhibit Rachelle S Ex M, # <u>17</u> Exhibit Rachelle S Ex N) (Sea, Douglas) Modified on 10/21/2011 to insert refiled information. (Baker, C.) (Entered: 10/20/2011)

10/20/2011	<u>53</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKET ENTRY <u>56</u> * – Memorandum in Support re <u>52</u> Third Party MOTION to Intervene filed by D.C., Allison Taylor Johns, K.C., L.S.. (Attachments: # <u>1</u> Exhibit Brief Exhibit A) (Sea, Douglas) Modified on 10/21/2011 to insert refiling information. (Baker, C.) (Entered: 10/20/2011)
10/20/2011	<u>54</u>	Third Party Intervenor COMPLAINT filed by M.S. (Sea, Douglas) (Entered: 10/20/2011)
10/21/2011		NOTICE OF DEFICIENCY re: <u>53</u> Memorandum in Support and <u>52</u> Motion to Intervene – Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual available on the court's website or from the clerk's office, attachments and exhibits must be identified with a clear and complete description of the document. Counsel is directed to refile these documents and properly name the associated attachments. (Baker, C.) (Entered: 10/21/2011)
10/21/2011	<u>55</u>	Third Party MOTION to Intervene as <i>Plaintiff</i> by M.S. (Attachments: # <u>1</u> Affidavit – Declaration of Gina Hagan, # <u>2</u> Affidavit – Declaration of Amy Simmons, # <u>3</u> Affidavit – Declaration of Rachelle S., # <u>4</u> Exhibit A – Rachelle S. – 2/3/10 PBH Ltr, # <u>5</u> Exhibit B – Rachelle S. – 2/10/10 SIS summary, # <u>6</u> Exhibit C – Rachelle S. – 2010 ISP, # <u>7</u> Exhibit D – Rachelle S. – 3/16/10 PBH ltr, # <u>8</u> Exhibit E – Rachelle S. – 10/18/10 assessment, # <u>9</u> Exhibit F – Rachelle S. – draft 2011 ISP, # <u>10</u> Exhibit G – Rachelle S. – 2011 ISP final, # <u>11</u> Exhibit H – Rachelle S. – PBH SNM Ltr, # <u>12</u> Exhibit I – Rachelle S. – 4/4/11 PBH ltr, # <u>13</u> Exhibit J – Rachelle S. – damaged envelope, # <u>14</u> Exhibit K – Rachelle S. – envelope contents, # <u>15</u> Exhibit L – Rachelle S. – 7/1/11 ISP Update, # <u>16</u> Exhibit M – Rachelle S. – 2008 SIS, # <u>17</u> Exhibit N – Rachelle S – 2010 SIS) (Sea, Douglas) Modified on 10/21/2011 to clarify docket entry text. (Baker, C.) (Entered: 10/21/2011)
10/21/2011	<u>56</u>	Memorandum in Support re <u>55</u> Third Party MOTION to Intervene as <i>Plaintiff</i> filed by M.S. (Attachments: # <u>1</u> Exhibit A – Waiver slots by LME) (Sea, Douglas) (Entered: 10/21/2011)
10/21/2011		NOTICE TO COUNSEL re: <u>55</u> Motion to Intervene – All counsel intending to represent potential intervenor M.S. must file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Baker, C.) (Entered: 10/21/2011)
10/24/2011	<u>57</u>	NOTICE of Appearance by John R. Rittelmeyer on behalf of M.S. (Rittelmeyer, John) (Entered: 10/24/2011)
10/24/2011	<u>58</u>	NOTICE of Appearance by Douglas Stuart Sea on behalf of M.S. (Sea, Douglas) (Entered: 10/24/2011)
10/25/2011	<u>59</u>	NOTICE of Appearance by Morris Fonville McAdoo on behalf of M.S. (McAdoo, Morris) (Entered: 10/25/2011)
10/25/2011		NOTICE TO COUNSEL re: <u>58</u> Notice of Appearance – Incorrect electronic signature on Certificate of Service. Pursuant to section J (1) of the CM/ECF Policy Manual, the name of the CM/ECF user under whose log-in and password the document is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear. Counsel is reminded of the correct electronic signature to be used on future filings. No need to re-file. (Jenkins, C.) (Entered: 10/25/2011)
10/25/2011	<u>60</u>	NOTICE of Appearance by Jennifer Leah Bills on behalf of M.S. (Bills, Jennifer) (Entered: 10/25/2011)
10/25/2011	<u>61</u>	NOTICE of Appearance by Martha Jane Perkins on behalf of All Plaintiffs. (Perkins, Martha) (Entered: 10/25/2011)
10/25/2011		NOTICE TO COUNSEL re: <u>61</u> Notice of Appearance – Electronic signature on Certificate of Service inconsistent with the filing attorney. Pursuant to Section J(1) of the CM/ECF Policy Manual, all documents must be signed by the CM/ECF user under whose log-in and password the document is submitted for purposes of the Federal Rule of Civil Procedure 11. In the future, the filing attorney is reminded that he or she must sign the pleadings using the electronic signature block. No need to re-file at this time. (Jenkins, C.) (Entered: 10/25/2011)

11/14/2011	<u>62</u>	RESPONSE to Motion re <u>55</u> Third Party MOTION to Intervene as <i>Plaintiff</i> filed by Lanier M. Cansler. (Smith, Belinda) (Entered: 11/14/2011)
11/14/2011	<u>63</u>	RESPONSE to Motion re <u>55</u> Third Party MOTION to Intervene as <i>Plaintiff</i> filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 11/14/2011)
11/15/2011	<u>64</u>	NOTICE of Appearance by Iain Stauffer on behalf of Lanier M. Cansler (Stauffer, Iain) (Entered: 11/15/2011)
11/18/2011	<u>65</u>	REPLY to Response to Motion regarding <u>55</u> Third Party MOTION to Intervene as <i>Plaintiff</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 11/18/2011)
11/21/2011		Motion Submitted to District Judge Louise Wood Flanagan – <u>55</u> Third Party MOTION to Intervene as <i>Plaintiff</i> . (Baker, C.) (Entered: 11/21/2011)
11/30/2011		MOTIONS REFERRED to Magistrate Judge Robert B. Jones, Jr. – <u>27</u> MOTION to Disqualify Counsel and <u>50</u> First MOTION to Seal <u>43</u> Affidavit, <u>44</u> Affidavit, and <u>45</u> Affidavit. (Baker, C.) (Entered: 11/30/2011)
12/02/2011	<u>66</u>	ORDER denying without prejudice <u>50</u> Motion to Seal – The exhibits [DE–43, 44, 45] presently under provisional seal shall remain provisionally sealed for a period of 14 days or, if a motion to seal is filed, until further order. Any response to a motion shall be filed within 10 days after service of the motion. If a motion to seal is not timely filed as to any exhibit, the Clerk is DIRECTED to unseal that exhibit. Signed by Magistrate Judge Robert B. Jones, Jr. on 12/02/2011. (Baker, C.) (Entered: 12/02/2011)
12/05/2011	<u>67</u>	ORDER granting <u>55</u> Motion to Intervene as Plaintiff as to Interested Party M.S. – Where the motion to disqualify counsel still remains before the court for decision, the deadlines for defendants to respond to the motion for preliminary injunction and first motion to certify class remain stayed. When decision is reached on the motion to disqualify counsel, the court shall promptly institute deadlines for defendants to respond to said pending motions. The Clerk is DIRECTED to conform the docket in accordance with the court's direction in footnote 1 of this order. Signed by District Judge Louise Wood Flanagan on 12/05/2011. (Baker, C.) (Entered: 12/05/2011)
12/09/2011	<u>68</u>	Corrected MOTION to Seal Document by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order) (Rittelmeyer, John) (Entered: 12/09/2011)
12/09/2011	<u>69</u>	Memorandum in Support re <u>68</u> Corrected MOTION to Seal Document filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Rittelmeyer, John) (Entered: 12/09/2011)
12/12/2011		MOTION REFERRED to Magistrate Judge Robert B. Jones, Jr. – <u>68</u> Corrected MOTION to Seal Document. (Baker, C.) (Entered: 12/12/2011)
12/20/2011	<u>70</u>	MOTION for Temporary Restraining Order by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> West Declaration, # <u>2</u> Penny C. Supplemental Declaration, # <u>3</u> Stitt Declaration, # <u>4</u> Rachelle S. Supplemental Declaration, # <u>5</u> Heath Supplemental Declaration) (Sea, Douglas) (Entered: 12/20/2011)
12/20/2011	<u>71</u>	Memorandum in Support re <u>70</u> MOTION for Temporary Restraining Order filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 12/20/2011)
12/21/2011		Motion Submitted to District Judge Louise Wood Flanagan – <u>70</u> MOTION for Temporary Restraining Order. (Baker, C.) (Entered: 12/21/2011)
12/21/2011		NOTICE TO COUNSEL re: <u>70</u> Motion for Temporary Restraining Order – Pursuant to Local the judge's practice preferences on the court's website, counsel should submit a proposed order. The order must be filed electronically using the event PROPOSED ORDER located in the RESPONSES AND REPLIES category. (Baker, C.) (Entered: 12/21/2011)
12/21/2011	<u>72</u>	Proposed Order re <u>70</u> MOTION for Temporary Restraining Order filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 12/21/2011)

12/21/2011	<u>73</u>	RESPONSE re <u>70</u> MOTION for Temporary Restraining Order – <i>PBH Defendants' Initial Response</i> filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 12/21/2011)
12/22/2011	<u>74</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKET ENTRY <u>75</u> * – REPLY to Response to Motion re <u>70</u> MOTION for Temporary Restraining Order filed by D.C., Allison Taylor Johns, K.C., L.S., M.S.. (Attachments: # <u>1</u> Exhibit PBH Progress Notes) (Sea, Douglas) Modified on 12/22/2011 to include refiling information. (Baker, C.) (Entered: 12/22/2011)
12/22/2011	<u>75</u>	REPLY to Response to Motion re <u>70</u> MOTION for Temporary Restraining Order – <i>FOOTNOTE 3 CORRECTED</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Exhibit PBH Progress Notes) (Sea, Douglas) (Entered: 12/22/2011)
12/22/2011	<u>76</u>	ORDER Setting Hearing on <u>27</u> MOTION to Disqualify Counsel – Motion Hearing set for 12/29/2011 at 1:00 PM in Wilmington – Courtroom 3 before Magistrate Judge Robert B. Jones Jr. Signed by Magistrate Judge Robert B. Jones, Jr on 12/22/2011. (Baker, C.) (Entered: 12/22/2011)
12/22/2011	<u>77</u>	MOTION for Extension of Time to File Answer re <u>54</u> Intervenor Complaint by Lanier M. Cansler. (Attachments: # <u>1</u> Text of Proposed Order) (Smith, Belinda) (Entered: 12/22/2011)
12/23/2011		Motion Referred to Dennis P. Iavarone, Clerk of Court – <u>77</u> MOTION for Extension of Time to File Answer re <u>54</u> Intervenor Complaint. (Baker, C.) (Entered: 12/23/2011)
12/27/2011		TEXT ORDER granting <u>77</u> Motion for Extension of Time to Answer – Lanier M. Cansler's answer due 1/11/2012. Entered by Dennis P. Iavarone, Clerk of Court on December 27, 2011. (Iavarone, Dennis) (Entered: 12/27/2011)
12/27/2011	<u>78</u>	ANSWER to <u>54</u> Intervenor Complaint <i>Answer and Affirmative Defenses</i> by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 12/27/2011)
12/28/2011	<u>79</u>	MOTION for Leave to File Notice of Appearance Manually by Alison R. Bost. (Attachments: # <u>1</u> Text of Proposed Order) (Hartman, M.) (Entered: 12/28/2011)
12/28/2011	<u>80</u>	NOTICE of Appearance by Alison R. Bost on behalf of Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority and Pamela Shipman. (Hartman, M.) (Entered: 12/28/2011)
12/28/2011		MOTION REFERRED to Dennis P. Iavarone, Clerk of Court – <u>79</u> MOTION for Leave to File Notice of Appearance Manually. (Baker, C.) (Entered: 12/28/2011)
12/28/2011	<u>81</u>	ORDER granting <u>79</u> Motion for Leave to File Notice of Appearance Manually – Signed by Dennis P. Iavarone, Clerk of Court on 12/28/2011. (Baker, C.) (Entered: 12/28/2011)
12/28/2011	<u>82</u>	ORDER denying <u>70</u> Motion for Temporary Restraining Order – Preliminary injunctive relief, of course, remains available to plaintiffs, upon the proper showing. The stay currently in place promptly shall be lifted upon decision on the motion to disqualify counsel. Upon decision by the magistrate judge, the parties immediately shall confer (with benefit of new counsel, should defense counsel be disqualified), and determine three alternative dates of availability for conduct of administrative conference by telephone before the undersigned to discuss parameters of a briefing schedule on motions for preliminary injunction and class certification. Notice of said dates and times agreed to shall be provided by counsel to the case manager together with contact information for lead counsel. The court will endeavor to make itself available at one of the times proposed. Signed by District Judge Louise Wood Flanagan on 12/28/2011. (Baker, C.) (Entered: 12/28/2011)
12/29/2011	<u>83</u>	Minute Entry for proceedings held before Magistrate Judge Robert B. Jones, Jr.: Motion Hearing, re: <u>27</u> MOTION to Disqualify Counsel and <u>68</u> Corrected MOTION to Seal Document held on 12/29/2011 in Wilmington, Courtroom 3. Counsel for plaintiffs and defendants present. Arguments made by both sides. Court allows <u>27</u> MOTION to Disqualify Counsel and <u>68</u> Corrected MOTION to Seal Document. Written order to follow. (Court Reporter FTR Gold) (Grady, B.) (Entered: 12/29/2011)

12/29/2011	<u>84</u>	ORDER granting <u>68</u> Motion to Seal Document – The court finds good cause to allow Plaintiffs' motion to seal the Affidavit of Reid C. Adams [DE-43] in its entirety and Exhibits F and G to the affidavit [DE-43-6 and DE-43-7], the Affidavit of Murray C. Greason, III [DE-44] in its entirety and Exhibits E and F to the affidavit [DE-44-5 and DE-44-6], and the Affidavit of David J. Mazza [DE-45] in its entirety and Exhibits E and F to the affidavit [DE-45-5 and DE 45-6]. Signed by Magistrate Judge Robert B. Jones, Jr. on 12/29/2011. (Baker, C.) (Entered: 12/29/2011)
12/29/2011		ORAL ORDER granting <u>27</u> Motion to Disqualify Counsel and granting <u>68</u> Motion to Seal Document.. Entered by Magistrate Judge Robert B. Jones, Jr. on 12/29/2011. (Grady, B.) (Entered: 01/06/2012)
01/03/2012	<u>85</u>	OFFICIAL TRANSCRIPT OF HEARING ON (#27) PLAINTIFFS' MOTION TO DISQUALIFY COUNSEL AND (#68) PLAINTIFFS' MOTION TO SEAL DOCUMENTS Proceedings held on 12/29/2011, before Magistrate Judge Robert B. Jones, Jr. Transcriber Janice Russell. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's website . Redaction Request due 1/27/2012. Redacted Transcript Deadline set for 2/6/2012. Release of Transcript Restriction set for 4/5/2012. (Steele, F.) (Entered: 01/03/2012)
01/03/2012		NOTICE of Filing of Official Transcript – DE <u>85</u> – Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Steele, F.) (Entered: 01/03/2012)
01/05/2012		NOTICE of Administrative Conference – Telephonic administrative conference set for 1/6/2012 at 9:00 AM before District Judge Louise Wood Flanagan. Counsel will be contacted in advance of the conference and provided with the necessary dial-in information to participate. (Baker, C.) (Entered: 01/05/2012)
01/06/2012		Minute Entry for proceedings held before District Judge Louise Wood Flanagan – Administrative Telephonic Conference held on 01/06/2012. Present at conference: Douglas Sea, John Rittelmeyer and Martha Jane Perkins (counsel for plaintiffs); Stephen Martin and Wallace Hollowell, III (counsel for defendants Shipman and Piedmont Behavioral Healthcare); Belinda Smith and Iain Stauffer (counsel for defendant Cansler); Caroline Batchelor, Law Clerk; and Christa Baker, Case Administrator. Conference convened to memorialize briefing schedule re <u>31</u> MOTION for Preliminary Injunction and <u>34</u> MOTION to Certify Class. With agreement of all parties, court sets deadline for response to both motions to be made by February 1, 2012. Reply, if any, shall be filed within fourteen (14) days thereafter. Oral arguments scheduled for Tuesday, March 13, 2012 at 10:00 a.m. before District Judge Louise Wood Flanagan in New Bern Courtroom. Counsel should be prepared to address both pending motions at hearing. (Baker, C.) (Entered: 01/06/2012)
01/06/2012		Set Hearing as to <u>31</u> MOTION for Preliminary Injunction and <u>34</u> First MOTION to Certify Class – Oral arguments set for 3/13/2012 at 10:00 AM in New Bern Courtroom before District Judge Louise Wood Flanagan. (Baker, C.) (Entered: 01/06/2012)
01/10/2012	<u>86</u>	SEALED ORDER re <u>27</u> MOTION to Disqualify Counsel – Signed by Magistrate Judge Robert B. Jones, Jr. on 01/10/2012. (Baker, C.) (Entered: 01/10/2012)
01/10/2012	<u>87</u>	WRITTEN ORDER following ORAL ORDER granting <u>27</u> MOTION to Disqualify Counsel – (Redacted). Signed by Magistrate Judge Robert B. Jones, Jr. on 01/10/2012. (Baker, C.) (Entered: 01/10/2012)
01/11/2012	<u>88</u>	ANSWER to <u>54</u> Intervenor Complaint by Lanier M. Cansler. (Stauffer, Iain) (Entered: 01/11/2012)
01/24/2012	<u>89</u>	APPEAL OF US MAGISTRATE JUDGE DECISION to District Court by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman re <u>86</u> SEALED Order, <u>87</u> Order (Wilder,

		Raboteau) (Entered: 01/24/2012)
01/24/2012	<u>90</u>	SEALED Memorandum in Support (<i>Selected Participants Only</i>) by Defendants Pamela Shipman and Piedmont Behavioral Healthcare Area Mental Health (available to: Plaintiffs D.C., Allison Taylor Johns, K.C., L.S., Intervenor Plaintiff M.S., Defendants Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman) re <u>89</u> Appeal of Magistrate Judge Decision to District Court. (Wilder, Raboteau) (Entered: 01/24/2012)
01/24/2012	<u>91</u>	MOTION to Seal Document <u>90</u> PROPOSED SEALED Memorandum in Support, by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Wilder, Raboteau) (Entered: 01/24/2012)
01/25/2012	<u>92</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Appeal of Magistrate's Order</i> by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 01/25/2012)
01/25/2012	<u>93</u>	Memorandum in Support re <u>92</u> MOTION to Dismiss for Lack of Jurisdiction <i>Appeal of Magistrate's Order</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 01/25/2012)
01/25/2012	<u>94</u>	RESPONSE to Motion re <u>91</u> MOTION to Seal Document <u>90</u> PROPOSED SEALED Memorandum in Support, filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 01/25/2012)
01/25/2012	<u>95</u>	*DOCUMENT CORRECTED AND REFILED AT DOCKT ENTRY <u>96</u> * – First MOTION for Extension of Time to File Response as to <u>89</u> Appeal of Magistrate Judge Decision to District Court by D.C., a minor, Allison Taylor Johns, K.C., a minor, L.S., a minor, M.S., a minor. (Attachments: # <u>1</u> Text of Proposed Order) (Sea, Douglas) Modified on 1/25/2012 to insert refiling information. (Baker, C.) (Entered: 01/25/2012)
01/25/2012	<u>96</u>	Amended MOTION for Extension of Time to File Response as to <u>89</u> Appeal of Magistrate Judge Decision to District Court <i>Corrected</i> by D.C., a minor, Allison Taylor Johns, K.C., a minor, L.S., a minor and M.S., a minor. (Attachments: # <u>1</u> Text of Proposed Order) (Sea, Douglas) (Entered: 01/25/2012)
01/27/2012	<u>97</u>	ORDER granting <u>91</u> Motion to Seal Document; denying <u>92</u> Motion to Dismiss Appeal; and, denying <u>96</u> Motion for Extension of Time to File Response to Appeal – Defendants' appeal was timely. Neither Rule 72(a) nor Local Rule 72.4(a) sets forth a deadline for responding to a party's objections to a magistrate's order on a nondispositive matter. The 1983 Advisory Committee Note to Rule 72(a) provides, however, that opportunity for such a response is contemplated. Where expedient resolution of this matter is in the interest of all parties involved, the court DENIES plaintiffs' request for extension but allows plaintiffs ten (10) days from entry of this order to respond to defendants' appeal. Signed by District Judge Louise Wood Flanagan on 01/27/2012. (Baker, C.) (Entered: 01/27/2012)
02/01/2012	<u>98</u>	SEALED RESPONSE (<i>Selected Participants Only</i>) by Jane Perkins (available to: Defendants Lanier M. Cansler, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman, Plaintiffs D.C., Allison Taylor Johns, K.C., L.S., Intervenor Plaintiff M.S.) re <u>90</u> SEALED Memorandum in Support. (Perkins, Martha) (Entered: 02/01/2012)
02/01/2012	<u>99</u>	MOTION to Seal Document <u>98</u> PROPOSED SEALED Response, by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order) (Perkins, Martha) (Entered: 02/01/2012)
02/01/2012	<u>100</u>	NOTICE of Appearance by Reed J. Hollander on behalf of Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Hollander, Reed) (Entered: 02/01/2012)
02/01/2012	<u>101</u>	RESPONSE in Opposition re <u>34</u> First MOTION to Certify Class filed by Lanier M. Cansler. (Smith, Belinda) (Entered: 02/01/2012)
02/01/2012	<u>102</u>	RESPONSE in Opposition re <u>31</u> MOTION for Preliminary Injunction filed by Lanier M. Cansler. (Stauffer, Iain) (Entered: 02/01/2012)

02/01/2012	<u>103</u>	RESPONSE in Opposition re <u>34</u> First MOTION to Certify Class filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Hollander, Reed) (Entered: 02/01/2012)
02/01/2012	<u>104</u>	RESPONSE in Opposition re <u>31</u> MOTION for Preliminary Injunction filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>105</u>	Declaration re <u>104</u> Response in Opposition to Motion, <u>103</u> Response in Opposition to Motion <i>Declaration of Andrea S. Johnston-Misenheimer</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Attachments: # <u>1</u> Exhibit A – Waiver Alert August 2010, # <u>2</u> Exhibit B – Waiver Alert March 2011, # <u>3</u> Exhibit C – Waiver Alert April 2011, # <u>4</u> Exhibit D – Waiver Alert August 2011, # <u>5</u> Exhibit E – 2011 Support Needs Matrix Guide). (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>106</u>	Declaration re <u>104</u> Response in Opposition to Motion, <u>103</u> Response in Opposition to Motion <i>Declaration of Melissa M. Covert</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Attachments: # <u>1</u> Exhibit A – Notice of Decision 11-4-11, # <u>2</u> Exhibit B – Garvin Letter to D.C., # <u>3</u> Exhibit C – Schmitz Letter to M.S., # <u>4</u> Exhibit D – Notice of Decision 12-22-11, # <u>5</u> Exhibit E – Notice of Decision 1-23-12). (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>107</u>	Declaration re <u>104</u> Response in Opposition to Motion, <u>103</u> Response in Opposition to Motion <i>Declaration of Nicole Cote</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Martin, Stephen) Modified on 2/2/2012 to clarify docket entry text. (Baker, C.) (Entered: 02/01/2012)
02/01/2012	<u>108</u>	Declaration re <u>104</u> Response in Opposition to Motion <i>Declaration of Sonja Goodwin</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>109</u>	Declaration re <u>104</u> Response in Opposition to Motion <i>Declaration of Melissa Campbell</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>110</u>	Declaration re <u>104</u> Response in Opposition to Motion <i>Declaration on Denise Denosky</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>111</u>	Declaration re <u>104</u> Response in Opposition to Motion <i>Declaration of Tanyon N. Martin</i> by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority. (Martin, Stephen) (Entered: 02/01/2012)
02/01/2012	<u>112</u>	NOTICE by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman re <u>104</u> Response in Opposition to Motion <i>Appendix of Materials Cited</i> (Attachments: # <u>1</u> Appendix A – 42 C.F.R. 431.200 et seq., # <u>2</u> Appendix B – 42 C.F.R. 431.400 et seq., # <u>3</u> Appendix C – Excerpts of 67 Fed. Reg. 40989 (June 14, 2002), # <u>4</u> Appendix D – NC Session Law 2011-264) (Martin, Stephen) (Entered: 02/01/2012)

02/02/2012		NOTICE TO COUNSEL – as to <u>105</u> Declaration. For future reference, counsel should not use abbreviations when identifying exhibits. Clerk's Office corrected the abbreviation "Exh" to reflect "Exhibit" in the text window. (Heath, D.) (Entered: 02/02/2012)
02/02/2012		NOTICE TO COUNSEL – as to <u>106</u> Declaration. For future reference, counsel should not use abbreviations when identifying exhibits. Clerk's Office corrected the abbreviation "Ltr" to reflect "Letter" and "Exh" to reflect "Exhibit" in the text window. (Heath, D.) (Entered: 02/02/2012)
02/02/2012		Motions Submitted to District Judge Louise Wood Flanagan – <u>89</u> APPEAL OF US MAGISTRATE JUDGE DECISION and <u>99</u> MOTION to Seal Document <u>98</u> PROPOSED SEALED Response. (Baker, C.) (Entered: 02/02/2012)
02/02/2012	<u>113</u>	First MOTION for Extension of Time to File Reply as to <u>31</u> MOTION for Preliminary Injunction and <u>34</u> MOTION to Certify Class by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order). (Sea, Douglas) Modified on 2/3/2012 to clarify docket entry text. (Baker, C.) (Entered: 02/02/2012)
02/03/2012		Motion Submitted to District Judge Louise Wood Flanagan – <u>113</u> First MOTION for Extension of Time to File Reply as to <u>31</u> MOTION for Preliminary Injunction and <u>34</u> MOTION to Certify Class. (Baker, C.) (Entered: 02/03/2012)
02/06/2012	<u>114</u>	ORDER granting <u>113</u> Motion for Extension of Time to File Reply re <u>31</u> MOTION for Preliminary Injunction and <u>34</u> First MOTION to Certify Class – Replies due by 3/2/2012. Signed by District Judge Louise Wood Flanagan on 02/03/2012. (Baker, C.) (Entered: 02/06/2012)
03/02/2012	<u>115</u>	REPLY to Response to Motion re <u>31</u> MOTION for Preliminary Injunction by <i>PBH</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>116</u>	REPLY to Response to Motion re <u>31</u> MOTION for Preliminary Injunction by <i>Cansler</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>117</u>	REPLY to Response to Motion re <u>34</u> First MOTION to Certify Class by <i>PBH</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>118</u>	REPLY to Response to Motion re <u>34</u> First MOTION to Certify Class by <i>Cansler</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>119</u>	MOTION for Leave to File <i>Supplemental Declarations</i> by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>120</u>	Memorandum in Support re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>121</u>	Declaration re <u>119</u> MOTION for Leave to File – <i>Supplemental Declaration of Ron S.</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>122</u>	Declaration re <u>119</u> MOTION for Leave to File – <i>Supplemental Declaration of Ron M</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – Plan of care MM, # <u>2</u> Exhibit B – 2012 SNM letter) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>123</u>	Declaration re <u>119</u> MOTION for Leave to File – <i>Supplemental Declaration by Rachele S.</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>124</u>	Declaration re <u>119</u> MOTION for Leave to File = <i>Supplemental Declaration by Penny C.</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – DC letter, # <u>2</u> Exhibit B – DC plan) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>125</u>	Declaration re <u>119</u> MOTION for Leave to File – <i>Supplemental Declaration by Paul Peters</i> filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit

		A – PBH emails, # <u>2</u> Exhibit B – Timmons assessment, # <u>3</u> Exhibit C – OAH Peters affidavit 1, # <u>4</u> Exhibit D – OAH Peters affidavit 2) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>126</u>	Declaration re <u>119</u> MOTION for Leave to File – <i>Supplemental Declaration of Patty Holzlohner</i> by filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – intensive review, # <u>2</u> Exhibit B – PBH email, # <u>3</u> Exhibit C – Internal Revenue addendum, # <u>4</u> Exhibit D – PBH email, # <u>5</u> Exhibit E – ISP, # <u>6</u> Exhibit F – PBH notice, # <u>7</u> Exhibit G – recon request, # <u>8</u> Exhibit H – PBH notice, # <u>9</u> Exhibit I – TRO) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>127</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Pamela Shearer</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>128</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Melinda Plue</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>129</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Linda Johns</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A–PCP, # <u>2</u> Exhibit B–PBH notice, # <u>3</u> Exhibit C–Recon request, # <u>4</u> Exhibit D–PBH letter, # <u>5</u> Exhibit E–recon decision, # <u>6</u> Exhibit F–TRO, # <u>7</u> Exhibit G– Preliminary Injunction) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>130</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Linda Biggs</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – SIS summary, # <u>2</u> Exhibit B – ISP, # <u>3</u> Exhibit C – ISP 2, # <u>4</u> Exhibit D – ISP update, # <u>5</u> Exhibit E – PBH letter, # <u>6</u> Exhibit F – ISP update 2, # <u>7</u> Exhibit G – ISP update 3, # <u>8</u> Exhibit H – ISP update 4, # <u>9</u> Exhibit I – SIS summary 2, # <u>10</u> Exhibit J – ISP update 5) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>131</u>	Declaration re <u>129</u> Declaration, <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Laurie Haley</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – ISP update, # <u>2</u> Exhibit B – ISP update 2, # <u>3</u> Exhibit C – PBH email, # <u>4</u> Exhibit D – DMA email, # <u>5</u> Exhibit E – email exchange, # <u>6</u> Exhibit F – email exchange 2, # <u>7</u> Exhibit G – email exchange 3, # <u>8</u> Exhibit H – PBH email 2, # <u>9</u> Exhibit I – email exchange 4) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>132</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Iris Green</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – ALJ decision, # <u>2</u> Exhibit B – Agency Decision) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>133</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Douglas Sea</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – SNM guide, # <u>2</u> Exhibit B – Cansler/CMS ltr, # <u>3</u> Exhibit C – Caswell minutes, # <u>4</u> Exhibit D – SIS Q and A, # <u>5</u> Exhibit E – waiver alert, # <u>6</u> Exhibit F – GA report, # <u>7</u> Exhibit G – GA report 2, # <u>8</u> Exhibit H – DMH report, # <u>9</u> Exhibit I – DMA policy, # <u>10</u> Exhibit J – DMA notice, # <u>11</u> Exhibit K – waiver summary, # <u>12</u> Exhibit L – SMM, # <u>13</u> Exhibit M – PBH briefs, # <u>14</u> Exhibit N – PBH contract) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>134</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Donna Stegall</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>135</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by David Cornwall</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – PBH minutes, # <u>2</u> Exhibit B – PBH minutes 2, # <u>3</u> Exhibit C – PBH minutes 3, # <u>4</u> Exhibit D – PBH minutes 4) (Sea, Douglas) (Entered: 03/02/2012)

03/02/2012	<u>136</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Brenda Arthur</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit 1 – ISP, # <u>2</u> Exhibit 2 – PBH letter) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>137</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations Amie C</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – ISP, # <u>2</u> Exhibit B – SIS, # <u>3</u> Exhibit C – ISP 2, # <u>4</u> Exhibit D – PBH letter, # <u>5</u> Exhibit E – PBH letter 2, # <u>6</u> Exhibit F – ISP update) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>138</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Aimee T</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Attachments: # <u>1</u> Exhibit A – ISP, # <u>2</u> Exhibit B –SNM letter) (Sea, Douglas) (Entered: 03/02/2012)
03/02/2012	<u>139</u>	Declaration re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations by Cullom</i> by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) (Entered: 03/02/2012)
03/03/2012	<u>140</u>	MOTION for Leave to File <i>Supplemental Declaration of Africa Heath</i> by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Affidavit – Declaration of Africa Heath) (Sea, Douglas) (Entered: 03/03/2012)
03/05/2012		NOTICE OF DEFICIENCY re: <u>140</u> Motion for Leave to File and <u>119</u> Motion for Leave to File – Pursuant to the judge's practice preferences on the court's website, counsel must submit a proposed order. The order must be filed electronically using the event PROPOSED ORDER located in the RESPONSES AND REPLIES category. (Baker, C.) (Entered: 03/05/2012)
03/05/2012		Motions Submitted to District Judge Louise Wood Flanagan – <u>34</u> First MOTION to Certify Class, <u>140</u> MOTION for Leave to File <i>Supplemental Declaration of Africa Heath</i> , <u>31</u> MOTION for Preliminary Injunction, and <u>119</u> MOTION for Leave to File <i>Supplemental Declarations</i> . (Baker, C.) (Entered: 03/05/2012)
03/05/2012	<u>141</u>	Proposed Order re <u>119</u> MOTION for Leave to File <i>Supplemental Declarations</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/05/2012)
03/05/2012	<u>142</u>	Proposed Order re <u>140</u> MOTION for Leave to File <i>Supplemental Declaration of Africa Heath</i> filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/05/2012)
03/05/2012	<u>143</u>	Corrected Declaration of Linda Johns re <u>129</u> Declaration by M.S., L.S., Allison Taylor Johns, D.C., K.C. filed by M.S., L.S., Allison Taylor Johns, D.C., K.C. (Sea, Douglas) Modified on 3/5/2012 to clarify docket entry text. (Baker, C.) (Entered: 03/05/2012)
03/07/2012	<u>144</u>	ORDER granting <u>119</u> and <u>120</u> Motions for Leave to File Supplemental Declarations – The supplemental affidavits filed in conjunction with plaintiffs' motions are incorporated into the record. Defendants are allowed seven days from entry of this order to augment their responses to the motions for preliminary injunction and class certification accordingly, to respond to the matters at issue of or relating said declarations. Upon its preliminary review of the briefings in support of and in opposition to the pending motions for preliminary injunction and class certification, the court, in its discretion, now dispenses with oral argument. Accordingly, the Clerk is DIRECTED to remove the same, currently scheduled for March 13, 2012 at New Bern, from the court's calendar. Signed by District Judge Louise Wood Flanagan on 03/07/2012. (Baker, C.) (Entered: 03/07/2012)
03/12/2012	<u>145</u>	NOTICE by Lanier M. Cansler (Attachments: # <u>1</u> Text of Proposed Order Albert A. Delia is Substituted As Defendant Secretary of DHHS). (Smith, Belinda) (Entered: 03/12/2012)
03/12/2012		Remark – <u>145</u> NOTICE and Proposed Order submitted to District Judge Louise Wood Flanagan. (Baker, C.) (Entered: 03/12/2012)
03/14/2012	<u>146</u>	ORDER re <u>89</u> Appeal of Magistrate Judge Decision to District Court (<i>Redacted version</i>) – The magistrate judge's order granting plaintiff's motion to disqualify WCSR as defendants' counsel of record in this case is neither clearly erroneous or contrary to

		law. Accordingly, PBH's and Shipman's appeal of the magistrate judge's order is DENIED and the order is AFFIRMED. Signed by District Judge Louise Wood Flanagan on 03/12/2012. (Baker, C.) (Entered: 03/14/2012)
03/14/2012	<u>147</u>	SEALED ORDER re <u>89</u> Appeal of Magistrate Judge Decision to District Court – Signed by District Judge Louise Wood Flanagan on 03/14/2012. (Baker, C.) (Entered: 03/14/2012)
03/14/2012	<u>148</u>	RESPONSE re <u>144</u> Order on Motion for Leave to File filed by Lanier M. Cansler (Attachments: # <u>1</u> Declaration of Susan Johnson). (Stauffer, Iain) (Entered: 03/14/2012)
03/14/2012	<u>149</u>	RESPONSE in Opposition re <u>31</u> MOTION for Preliminary Injunction Supplemental Response in Opposition Pursuant to Court's March 7, 2012 Order filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman (Attachments: # <u>1</u> Exhibit 1 – Fourth Circuit Order, March 6, 2011, in Pashby v. Cansler). (Martin, Stephen) (Entered: 03/14/2012)
03/14/2012	<u>150</u>	RESPONSE in Opposition re <u>34</u> First MOTION to Certify Class <i>Supplemental Response in Opposition Pursuant to Court's March 7, 2012 Order</i> filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Hollowell, Wallace) (Entered: 03/14/2012)
03/14/2012	<u>151</u>	Declaration re <u>149</u> Response in Opposition to Motion, <u>150</u> Response in Opposition to Motion, Declaration of Robert J. Kocourek by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority filed by Pamela Shipman, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority (Attachments: # <u>1</u> Exhibit A – Contract between N.C. Dept. of Health and Human Services and PBH, # <u>2</u> Exhibit B – PBH Press Release, January 22, 2010). (Martin, Stephen) (Entered: 03/14/2012)
03/16/2012	<u>152</u>	REPLY to Response to Motion re <u>34</u> First MOTION to Certify Class, <u>31</u> MOTION for Preliminary Injunction filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Sea, Douglas) (Entered: 03/16/2012)
03/16/2012	<u>153</u>	ORDER – Based upon the Notice of Substitution of Defendant Secretary of the Department of Health and Human Services, and it appearing that Albert A. Delia is now the Acting Secretary of the Department of Health and Human Services, it is therefore ORDERED that Acting Secretary Albert A. Delia shall be substituted as the State defendant. All papers subsequently filed in this action should reflect this substitution. Signed by District Judge Louise Wood Flanagan on 03/16/2012. (Baker, C.) (Entered: 03/16/2012)
03/29/2012	<u>154</u>	ORDER granting <u>31</u> Motion for Preliminary Injunction and <u>34</u> Motion to Certify Class – Counsel for plaintiffs are directed to provide appropriate notice to the class pursuant to Rule 23 of the Federal Rules of Civil Procedure. Counsel requesting to be appointed as class counsel in plaintiffs' motion for class certification lodged on the docket at entry 34 are appointed pursuant to Fed. R. Civ. P. 23(g). Plaintiffs shall post immediately the bond discussed herein. Further order shall follow addressing case scheduling issues. Signed by District Judge Louise Wood Flanagan on 03/29/2012. (Baker, C.) (Entered: 03/29/2012)
04/02/2012		Security BOND in the amount of \$ \$100.00 posted pursuant to <u>154</u> ORDER. (Receipt number RAL024882) (Baker, C.) (Entered: 04/02/2012)
04/04/2012	<u>155</u>	INITIAL ORDER REGARDING PLANNING AND SCHEDULING – Counsel should review the attached order for critical deadlines and information. The court also notes plaintiffs' pending motion to seal at docket entry 99. For good cause shown, plaintiff's motion is granted. Signed by District Judge Louise Wood Flanagan on 04/03/2012. (Baker, C.) (Entered: 04/04/2012)
04/11/2012	<u>156</u>	First MOTION for Extension of Time to File <i>motion for fees by Plaintiffs DC</i> and by Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order) (Sea, Douglas) (Entered: 04/11/2012)
04/11/2012		Motion Submitted to District Judge Louise Wood Flanagan – <u>156</u> First MOTION for Extension of Time to File <i>Motion for Fees by Plaintiffs</i> . (Baker, C.) (Entered: 04/11/2012)

		04/11/2012)
04/12/2012	<u>157</u>	ORDER granting <u>156</u> First Motion for Extension of Time to File Motion for Fees – Deadline for plaintiffs to file their motion for attorneys' fees is extended until fourteen (14) days following the date on which the Court's final ruling on the merits in this case has become no longer appealable. Signed by District Judge Louise Wood Flanagan on 4/12/12. (Tripp, S.) (Entered: 04/12/2012)
04/18/2012	<u>158</u>	MOTION for Extension of Time by Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order) (Perkins, Martha) (Entered: 04/18/2012)
04/18/2012		Motion Submitted to District Judge Louise Wood Flanagan – <u>158</u> MOTION for Extension of Time. (Baker, C.) (Entered: 04/18/2012)
04/20/2012	<u>159</u>	ORDER granting <u>158</u> Motion for Extension of Time – The deadline for the Rule 26(f) conference is extended by 30 days to May 25, 2012. Signed by District Judge Louise Wood Flanagan on 04/20/2012. (Baker, C.) (Entered: 04/20/2012)
04/27/2012	<u>160</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>154</u> Order on Motion for Preliminary Injunction, Order on Motion to Certify Class by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. Filing fee \$ 455, receipt number 0417–2044266. (Martin, Stephen) (Entered: 04/27/2012)
04/30/2012	<u>161</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding <u>160</u> Notice of Interlocutory Appeal, by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Fogle, L.) (Entered: 04/30/2012)
05/01/2012	<u>162</u>	US Court of Appeals Case Number 12–1575, Cathy Tyree, Case Manager for <u>160</u> Notice of Interlocutory Appeal, filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Fogle, L.) (Entered: 05/02/2012)
05/18/2012	<u>163</u>	Second MOTION for Extension of Time to Complete Discovery by Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order) (Sea, Douglas) (Entered: 05/18/2012)
05/21/2012		Motion Submitted to District Judge Louise Wood Flanagan – <u>163</u> Second MOTION for Extension of Time to Complete Discovery. (Baker, C.) (Entered: 05/21/2012)
05/21/2012		NOTICE OF DEFICIENCY regarding <u>163</u> Motion for Extension of Time to Complete Discovery – Pursuant to Fed. R. Civ. P. 5(d), counsel must file a Certificate of Service for this document. (Baker, C.) (Entered: 05/21/2012)
05/21/2012	<u>164</u>	CERTIFICATE OF SERVICE by Allison Taylor Johns, K.C., L.S., M.S. regarding <u>163</u> Second MOTION for Extension of Time to Complete Discovery. (Sea, Douglas) (Entered: 05/21/2012)
05/29/2012	<u>165</u>	ORDER granting <u>163</u> Motion for Extension of Time to Complete Discovery – The deadline for the Rule 26(f) conference is thirty (30) days following a ruling by the Fourth Circuit Court of Appeals on Defendant PBH's and Shipman's appeal of this Court's March 29, 2012 Order granting Plaintiffs' motion for a preliminary injunction. If any party determines that it needs formal discovery prior to a ruling by the Fourth Circuit Court of Appeals, such party may make a motion to pursue formal discovery at that time. Signed by District Judge Louise Wood Flanagan on 05/29/2012. (Baker, C.) (Entered: 05/29/2012)
05/10/2013	<u>166</u>	ORDER – The parties have until June 10, 2013, to engage in this conference. Requirements and deadlines earlier set forth in the court's initial order (DE 155) are made operative, where stay is lifted. Signed by District Judge Louise Wood Flanagan on 05/10/2013. (Baker, C.) (Entered: 05/10/2013)
05/10/2013	<u>167</u>	PUBLISHED Opinion from Fourth Circuit Court of Appeals. DISMISSED by published opinion. (Fogle, L.) (Entered: 05/13/2013)
05/10/2013	<u>168</u>	US Court of Appeals Judgment as to <u>160</u> Notice of Interlocutory Appeal, filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. In accordance with the decision of this

		court, this appeal is dismissed. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41. (Fogle, L.) (Entered: 05/13/2013)
06/03/2013	<u>169</u>	MANDATE of US Court of Appeals (certified copy) as to <u>160</u> Notice of Interlocutory Appeal, filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. The judgment of this court, entered May 10, 2013, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (Fogle, L.) (Entered: 06/03/2013)
06/14/2013	<u>170</u>	Joint MOTION for Extension of Time by Aldona Zofia Vos. (Attachments: # <u>1</u> Text of Proposed Order) (Stauffer, Iain) (Entered: 06/14/2013)
06/17/2013		Motion Submitted to District Judge Louise Wood Flanagan – <u>170</u> Joint MOTION for Extension of Time. (Baker, C.) (Entered: 06/17/2013)
06/17/2013	<u>171</u>	ORDER granting <u>170</u> Motion for Extension of Time – For good cause shown, the Court grants the parties' joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order Regarding Planning and Scheduling in this matter for sixty (60) days up and until August 24, 2013. Signed by District Judge Louise Wood Flanagan on 06/17/2013. (Baker, C.) (Entered: 06/17/2013)
08/05/2013	<u>172</u>	Second MOTION for Extension of Time by Aldona Zofia Vos. (Attachments: # <u>1</u> Text of Proposed Order) (Stauffer, Iain) (Entered: 08/05/2013)
08/06/2013		Motion Submitted to District Judge Louise Wood Flanagan – <u>172</u> Second MOTION for Extension of Time. (Baker, C.) (Entered: 08/06/2013)
08/06/2013	<u>173</u>	ORDER granting <u>172</u> Second Motion for Extension of Time – For good cause shown, the Court grants the parties' second joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order Regarding Planning and Scheduling in this matter up to and until December 1, 2013. Signed by District Judge Louise Wood Flanagan on 08/06/2013. (Baker, C.) (Entered: 08/06/2013)
08/12/2013	<u>174</u>	Joint MOTION for Protective Order by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Text of Proposed Order) (Perkins, Martha) (Entered: 08/12/2013)
08/12/2013		Motion Submitted to District Judge Louise Wood Flanagan – <u>174</u> Joint MOTION for Protective Order. (Baker, C.) (Entered: 08/12/2013)
08/14/2013	<u>175</u>	QUALIFIED PROTECTIVE ORDER – Signed by District Judge Louise Wood Flanagan on 08/14/2013. (Baker, C.) (Entered: 08/14/2013)
11/18/2013	<u>176</u>	Joint MOTION for Extension of Time by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 11/18/2013)
11/19/2013		Motion Submitted to District Judge Louise Wood Flanagan – <u>176</u> Joint MOTION for Extension of Time. (Baker, C.) (Entered: 11/19/2013)
11/19/2013	<u>177</u>	ORDER granting <u>176</u> Joint Third Motion for Extension of Time – For good cause shown, the Court grants the parties' third joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order, including the filing of initial Rule 26 disclosures and a Discovery Plan in this matter up to and until February 3, 2014. Signed by District Judge Louise Wood Flanagan on 11/19/2013. (Baker, C.) (Entered: 11/19/2013)
01/27/2014	<u>178</u>	Joint MOTION for Extension of Time by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 01/27/2014)
01/28/2014		Motion Submitted to District Judge Louise Wood Flanagan – <u>178</u> Joint MOTION for Extension of Time. (Baker, C.) (Entered: 01/28/2014)

01/31/2014	<u>179</u>	ORDER granting <u>178</u> Motion for Extension of Time – For good cause shown, the Court grants the parties' fourth joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order, including the filing of initial Rule 26 disclosures and a Discovery Plan in this matter up to and until April 4, 2014. Signed by District Judge Louise Wood Flanagan on 01/31/2014. (Baker, C.) (Entered: 01/31/2014)
03/21/2014	<u>180</u>	Joint MOTION for Extension of Time by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 03/21/2014)
03/21/2014		Motion Submitted to District Judge Louise Wood Flanagan – <u>180</u> Joint MOTION for Extension of Time. (Baker, C.) (Entered: 03/21/2014)
03/21/2014	<u>181</u>	ORDER granting <u>180</u> Motion for Extension of Time – The Court grants the parties' fifth joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order, including the filing of initial Rule 26 disclosures and a Discovery Plan in this matter up to and until July 1, 2014. Signed by District Judge Louise Wood Flanagan on 03/21/2014. (Baker, C.) (Entered: 03/21/2014)
06/23/2014	<u>182</u>	Joint MOTION for Extension of Time by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 06/23/2014)
06/24/2014		Motion Submitted to District Judge Louise Wood Flanagan: <u>182</u> Joint MOTION for Extension of Time. (Tripp, S.) (Entered: 06/24/2014)
06/24/2014	<u>183</u>	ORDER granting <u>182</u> Joint Motion for Extension of Time – The Court grants the parties' sixth joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order, including the filing of initial Rule 26 disclosures and a Discovery Plan in this matter up to and until August 15, 2014. Signed by District Judge Louise Wood Flanagan on 6/24/2014. (Tripp, S.) (Entered: 06/24/2014)
08/12/2014	<u>184</u>	Joint MOTION for Extension of Time by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 08/12/2014)
08/12/2014		Motion Submitted to District Judge Louise Wood Flanagan – <u>184</u> Joint MOTION for Extension of Time. (Baker, C.) (Entered: 08/12/2014)
08/12/2014	<u>185</u>	ORDER granting <u>184</u> Joint Motion for Extension of Time – The Court grants the parties' seventh joint motion for an extension of the deadlines and requirements of this Court's Initial Scheduling Order, including the filing of initial Rule 26 disclosures and a Discovery Plan in this matter up to and until August 29, 2014. Signed by District Judge Louise Wood Flanagan on 08/12/2014. (Baker, C.) (Entered: 08/12/2014)
08/27/2014	<u>186</u>	Joint Notice of Settlement and Joint Motion to Stay Discovery Pending Submission and Approval of Settlement Agreement by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 08/27/2014)
08/27/2014		NOTICE OF DEFICIENCY regarding <u>186</u> Motion to Stay – Pursuant to the judge's practice preferences on the court's website, counsel must submit a proposed order. The order must be filed electronically using the event <i>PROPOSED ORDER</i> located in the <i>RESPONSES AND REPLIES</i> category. (Baker, C.) (Entered: 08/27/2014)
08/27/2014	<u>187</u>	Proposed Order regarding <u>186</u> Joint Notice of Settlement and Joint Motion to Stay Discovery Pending Submission and Approval of Settlement Agreement filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 08/27/2014)
08/27/2014		Motion Submitted to Disitrc Judge Louise Wood Flanagan – <u>186</u> Joint Notice of Settlement and Joint Motion to Stay Discovery Pending Submission and Approval of Settlement Agreement. (Baker, C.) (Entered: 08/27/2014)

08/28/2014	<u>188</u>	ORDER granting <u>186</u> Motion to Stay Discovery Pending Submission and Approval of Settlement Agreement – For good cause shown, the Court grants the parties' joint motion to stay discovery pending submission and approval of a settlement agreement. If appropriate settlement documentation is not filed within sixty (60) days, a status report shall be filed informing of progress of settlement activities and what additional time is requested to finalize same. Signed by District Judge Louise Wood Flanagan on 08/28/2014. (Baker, C.) (Entered: 08/28/2014)
10/27/2014	<u>189</u>	STATUS REPORT – <i>Joint Status Report of Progress of Settlement Activities</i> by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 10/27/2014)
10/28/2014	<u>190</u>	ORDER regarding <u>189</u> Status Report – Extension motion is granted. An additional thirty (30) days is allowed for the parties to finalize and submit the appropriate documentation to the court referenced in the parties' status report. Signed by District Judge Louise Wood Flanagan on 10/28/2014. (Baker, C.) (Entered: 10/28/2014)
11/25/2014	<u>191</u>	Eighth MOTION for Extension of Time by Aldona Zofia Vos. (Attachments: # <u>1</u> Text of Proposed Order) (Stauffer, Iain) (Entered: 11/25/2014)
11/26/2014		Motion Submitted to District Judge Louise Wood Flanagan – <u>191</u> Eighth MOTION for Extension of Time. (Baker, C.) (Entered: 11/26/2014)
11/26/2014	<u>192</u>	ORDER granting <u>191</u> Motion for Extension of Time – The Parties have up to and until December 12, 2014 to file the Settlement Agreement and attachments with the Court. Signed by District Judge Louise Wood Flanagan on 11/26/2014. (Baker, C.) (Entered: 11/26/2014)
12/12/2014	<u>193</u>	SETTLEMENT AGREEMENT by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Appendix A to Settlement Agreement, # <u>2</u> Exhibit 1 – Joint Expedited Motion for Preliminary Approval of Settlement Agreement, Notice to Class Members, Scheduling of Fairness Hearing, Final Approval of Settlement Agreement, and Clarification of Class Definition, and Memorandum of Law in Support of same, # <u>3</u> Exhibit 2 – Proposed Order Approving Settlement and Directing Notice, # <u>4</u> Exhibit 3 – Schedule of Publication, # <u>5</u> Exhibit 4 – Notice to Class Members, # <u>6</u> Exhibit 5 – Proposed Order Approving Settlement Agreement, # <u>7</u> Exhibit 6 – Proposed Order of Dismissal with Prejudice, # <u>8</u> Exhibit 7 – Class List as of 11/19/2014, # <u>9</u> Exhibit 8 – Joint Statement following Dismissal) (Martin, Stephen) (Entered: 12/12/2014)
12/12/2014	<u>194</u>	NOTICE by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman regarding <u>193</u> Settlement Agreement – <i>Certificate of Service</i> . (Martin, Stephen) (Entered: 12/12/2014)
12/12/2014	<u>195</u>	Notice of Filing PROPOSED SEALED Exhibit (<i>Selected Participants Only</i>) by Pamela Shipman and PBH (available to: Defendants Lanier M. Cansler, Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman, Aldona Zofia Vos, Plaintiffs D.C., Allison Taylor Johns, K.C., L.S., Intervenor Plaintiff M.S.) regarding <u>193</u> Settlement Agreement. (Attachments: # <u>1</u> Exhibit 7 to Settlement Agreement – Class List as of 11/19/2014) (Martin, Stephen) (Entered: 12/12/2014)
12/12/2014	<u>196</u>	Notice of Filing PROPOSED SEALED Document (<i>Selected Participants Only</i>) by Pamela Shipman and PBH (available to: Plaintiffs D.C., Allison Taylor Johns, K.C., L.S., Intervenor Plaintiff M.S., Defendants Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman, Aldona Zofia Vos) regarding <u>193</u> Settlement Agreement. (Attachments: # <u>1</u> Settlement Agreement – Unredacted signatures pages of Plaintiffs) (Martin, Stephen) (Entered: 12/12/2014)
12/12/2014	<u>197</u>	Joint MOTION to Seal Document <u>196</u> PROPOSED SEALED Document, <u>195</u> PROPOSED SEALED Exhibit, by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 12/12/2014)

12/12/2014	<u>198</u>	Memorandum in Support regarding <u>197</u> Joint MOTION to Seal Document <u>196</u> PROPOSED SEALED Document, <u>195</u> PROPOSED SEALED Exhibit, filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 12/12/2014)
12/12/2014	<u>199</u>	Joint Expedited Motion for Preliminary Approval of Settlement Agreement, Notice to Class Members, Scheduling of Fairness Hearing, Final Approval of Settlement Agreement, and Clarification of Class Definition regarding <u>193</u> Settlement Agreement by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Attachments: # <u>1</u> Text of Proposed Order) (Martin, Stephen) (Entered: 12/12/2014)
12/12/2014	<u>200</u>	Memorandum in Support regarding <u>199</u> Joint Expedited Motion for Preliminary Approval of Settlement Agreement, Notice to Class Members, Scheduling of Fairness Hearing, Final Approval of Settlement Agreement, and Clarification of Class Definition regarding <u>193</u> Settlement Agreement filed by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman. (Martin, Stephen) (Entered: 12/12/2014)
12/15/2014		Motions Submitted to District Judge Louise Wood Flanagan – <u>199</u> Joint Expedited Motion for Preliminary Approval of Settlement Agreement, Notice to Class Members, Scheduling of Fairness Hearing, Final Approval of Settlement Agreement, and Clarification of Class Definition and <u>197</u> Joint MOTION to Seal <u>196</u> PROPOSED SEALED Document and <u>195</u> PROPOSED SEALED Exhibit. (Baker, C.) (Entered: 12/15/2014)
12/15/2014	<u>201</u>	ORDER granting <u>197</u> Motion to Seal <u>196</u> PROPOSED SEALED Document and <u>195</u> PROPOSED SEALED Exhibit – Signed by District Judge Louise Wood Flanagan on 12/15/2014. (Baker, C.) (Entered: 12/15/2014)
12/19/2014	<u>202</u>	NOTICE by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman regarding <u>193</u> Settlement Agreement – <i>Notice of Filing of Complete Exhibit 3 to the Settlement Agreement</i> . (Attachments: # <u>1</u> Exhibit 3 to the Settlement Agreement) (Martin, Stephen) (Entered: 12/19/2014)
12/22/2014	<u>203</u>	NOTICE by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman regarding <u>202</u> Notice and <u>193</u> Settlement Agreement – <i>Joint Notice of Service</i> . (Martin, Stephen) (Entered: 12/22/2014)
12/24/2014		TEXT ORDER regarding <u>199</u> Joint Expedited Motion for Preliminary Approval of Settlement Agreement, Notice to Class Members, Scheduling of Fairness Hearing, Final Approval of Settlement Agreement, and Clarification of Class Definition – In supplement to the parties' filings regarding the proposed plan for providing notice, the court requests that a copy of the proposed notice itself be filed with the court as it does not appear to be included among the materials of record. Said supplement shall be filed within seven (7) days. Signed by District Judge Louise Wood Flanagan on 12/24/2014. (Baker, C.) (Entered: 12/24/2014)
12/30/2014	<u>204</u>	NOTICE by Piedmont Behavioral Healthcare Area Mental Health, Developmental Disabilities and Substance Abuse Authority, Pamela Shipman regarding <u>193</u> Settlement Agreement. (Attachments: # <u>1</u> Exhibit 4 to the Settlement Agreement, previously filed as D.E. 193–5) (Martin, Stephen) (Entered: 12/30/2014)
01/02/2015	<u>205</u>	ORDER granting <u>199</u> Joint Expedited Motion for Preliminary Approval of Settlement Agreement, Notice to Class Members, Scheduling of Fairness Hearing, Final Approval of Settlement Agreement, and Clarification of Class Definition – Signed by District Judge Louise Wood Flanagan on 1/2/2015. (Tripp, S.) (Entered: 01/02/2015)
01/02/2015		TEXT NOTICE of Hearing: Fairness Hearing set for 4/6/2015 at 1:30 PM in New Bern – Courtroom before District Judge Louise Wood Flanagan. (Tripp, S.) (Entered: 01/02/2015)
03/20/2015	<u>206</u>	Declaration of <i>John R. Rittelmeyer</i> by D.C., Allison Taylor Johns, K.C., L.S., M.S. (Attachments: # <u>1</u> Exhibit 1 – NHeLp Notice, # <u>2</u> Exhibit 2 – NHeLP LSsettlement Webpage, # <u>3</u> Exhibit 3 – DRNC Notice, # <u>4</u> Exhibit 4 – DRNC LSsettlement

		Webpage, # <u>5</u> Exhibit 5 – DRNC Email Alert, # <u>6</u> Exhibit 6 – LSSP Notice, # <u>7</u> Exhibit 7 – LSSP LSsettlement Webpage, # <u>8</u> Exhibit 8 – Arc Notice, # <u>9</u> Exhibit 9 – ASNC Notice, # <u>10</u> Exhibit Ex. 10 – ASNC Twitter Post, # <u>11</u> Exhibit 11 – CCR Notice, # <u>12</u> Exhibit 12 – ECAC Notice, # <u>13</u> Exhibit 13 – FinF Notice, # <u>14</u> Exhibit 14 – Benchmarks Notice) (Rittelmeyer, John) (Entered: 03/20/2015)
04/06/2015	<u>207</u>	Minute Entry for proceedings held before District Judge Louise Wood Flanagan in New Bern, NC – Fairness Hearing held on 4/6/2015. Counsel present for all parties. Court confirms by inquiry of all parties that no objections have been received from any of the class members regarding the terms of settlement. Court finds settlement fair and reasonable and not in violation of public policy. Court signs order of final approval for class settlement. Dismissal of the case will be automatic as of 12/31/15, unless the court is notified of noncompliance under the terms of the settlement agreement. Court orders plaintiff to file five days prior to 12/31/15 a notice that there are no disputes. Plaintiff agrees to file a joint notice. (Court Reporter – David Collier) (Baker, C.) (Entered: 04/06/2015)
04/06/2015	<u>208</u>	ORDER OF APPROVAL OF SETTLEMENT – Signed by District Judge Louise Wood Flanagan on 04/06/2015. (Baker, C.) (Entered: 04/06/2015)
09/29/2015	<u>209</u>	Notice filed by Aldona Zofia Wos <i>Substitution of Party for Defendant Secretary of DHHS</i> . (Smith, Belinda) (Entered: 09/29/2015)
09/30/2015	<u>210</u>	Notice of Substitution of Counsel filed by Iain Stauffer on behalf of Richard Brajer. (Stauffer, Iain) (Entered: 09/30/2015)
12/23/2015	<u>211</u>	Notice filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. <i>Regarding Dismissal with Prejudice</i> . (Sea, Douglas) (Entered: 12/23/2015)
12/28/2015		NOTICE OF DEFICIENCY regarding <u>211</u> Notice – Counsel failed to attach a certificate of service pursuant to Fed. R. Civ. P. 5(d) and Section F(3) of the Court's CM/ECF Electronic Policies and Procedures Manual. Counsel should file a separately captioned certificate of service using the appropriate event located under the 'Civil Events – Service of Process' category. (Baker, C.) (Entered: 12/28/2015)
12/28/2015	<u>212</u>	First MOTION to Withdraw as Attorney filed by Richard Brajer. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion to Withdraw Appearance) (Smith, Belinda) (Entered: 12/28/2015)
12/28/2015	<u>213</u>	ORDER granting <u>212</u> Motion to Withdraw as Attorney – Attorney Belinda A. Smith terminated as counsel for defendant Richard Brajer. Signed by District Judge Louise Wood Flanagan on 12/28/2015. (Baker, C.) (Entered: 12/28/2015)
12/29/2015	<u>214</u>	Certificate of Service filed by D.C., Allison Taylor Johns, K.C., L.S., M.S. regarding <u>211</u> Notice. (Sea, Douglas) (Entered: 12/29/2015)
12/31/2015	<u>215</u>	Order of Dismissal with Prejudice – Signed by District Judge Louise Wood Flanagan on 12/31/2015. (Baker, C.) (Entered: 12/31/2015)