

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Peter B., Jimmy “Chip” E. and Michelle M., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 Marshall C. Sanford, Nikki Randhawa Haley, )  
 Anthony Keck, Beverly Buscemi, Kelly Floyd, )  
 Richard Huntress, the South Carolina )  
 Department of Health and Human Services and )  
 the South Carolina Department of Disabilities )  
 and Special Needs, )  
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 Defendants. )  
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Civil Action Number:  
6:10-767-TMC

**MOTION FOR SUMMARY  
JUDGMENT**

**(ALL REMAINING DEFENDANTS)**

Defendants Anthony Keck, Beverly Buscemi, Kelly Floyd, Richard Huntress, the South Carolina Department of Health and Human Services and the South Carolina Department of Disabilities and Special Needs, that is, all remaining defendants,<sup>1</sup> hereby move for summary judgment on the following grounds:

1. The claims of Plaintiffs Jimmy “Chip” E. and Michelle M. pertaining to past proposed reductions in service are moot, for the reasons already set forth in Defendants’ pending motion to dismiss their claims based on mootness. (Docket No. 169.)

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<sup>1</sup> Defendants Sanford and Haley were dismissed from this action by Order dated June 13, 2012.

2. There is no existing case or controversy between any of the Plaintiffs and the Defendants at present, because no reductions in services have occurred, and therefore there is no present injury in fact.

3. Any claims by any of the Plaintiffs that services might be reduced in the future are not ripe for adjudication.

4. Such other claims as Plaintiffs might have that might presently be justiciable, if any, are unsupported in law and fact.

The bases for this motion are set forth in the accompanying memorandum and other attachments, as well as all other documents and filings properly before the Court in this case, or of which the Court may take notice.

Because this is a dispositive motion, it is exempt from the consultation requirements of Local Rule 7.02.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

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August 16, 2012