

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

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

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

**Plaintiff**

**AW**  
*on behalf of themselves and all others  
similarly situated*

represented by **Dana Woodrum Lang**  
Womble Bond Dickinson US LLP  
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**Plaintiff**

**WL**  
*on behalf of themselves and all others  
similarly situated*

represented by **Dana Woodrum Lang**  
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*LEAD ATTORNEY  
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**Kathryn Susan Mansfield**  
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**Maura Martin Klugman**  
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**Sean Houseal**  
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*LEAD ATTORNEY  
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**Plaintiff**

**RC**  
*on behalf of themselves and all others  
similarly situated*

represented by **Dana Woodrum Lang**  
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*LEAD ATTORNEY  
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**Kathryn Susan Mansfield**  
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**Sean Houseal**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**MJ**  
*on behalf of themselves and all others  
similarly situated*

represented by **Dana Woodrum Lang**  
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ATTORNEY TO BE NOTICED

**Kathryn Susan Mansfield**  
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**Plaintiff**

**CM**  
*on behalf of themselves and ) all others*  
*similarly situated*

represented by **Dana Woodrum Lang**  
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**Kathryn Susan Mansfield**  
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**Plaintiff**

**HH**  
*on behalf of themselves and all others*  
*similarly situated*

represented by **Dana Woodrum Lang**  
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**Kathryn Susan Mansfield**  
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**Sean Houseal**  
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**Plaintiff**

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

represented by **Mark J Murphy**  
(See above for address)  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**John H Magill**  
*in his official capacity as the Director of  
the South Carolina Department of Mental  
Health*

represented by **Andrew F Lindemann**  
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**TERMINATED: 04/19/2018**  
**LEAD ATTORNEY**

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**ATTORNEY TO BE NOTICED**

**Defendant**

**South Carolina Department of Mental Health, The**

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

**William Henry Davidson , II**  
 (See above for address)  
**TERMINATED: 04/19/2018**  
**LEAD ATTORNEY**

**Joel Steve Hughes**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**South Carolina Mental Health Commission, The**

represented by **Andrew F Lindemann**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**William Henry Davidson , II**  
 (See above for address)  
**TERMINATED: 04/19/2018**  
**LEAD ATTORNEY**

**Joel Steve Hughes**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/24/2017	<u>1</u>	COMPLAINT against Protection and Advocacy for People with Disabilities Inc, South Carolina Department of Mental Health, The ( Filing fee \$ 400 receipt number 0420-7170359.), filed by HH, RC, CM, AW, MJ. Service due by 8/22/2017 (egra, ) (Entered: 05/24/2017)
05/24/2017	<u>2</u>	Summons Issued as to John H Magill, South Carolina Department of Mental Health, The. (Attachments: # <u>1</u> SC Dept of Mental Health) (egra, ) (Entered: 05/24/2017)

05/24/2017	<u>4</u>	Local Rule 26.01 Answers to Interrogatories by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC. (egra, ) (Entered: 05/24/2017)
05/24/2017	<u>5</u>	MOTION FOR LEAVE TO FILE COMPLAINT AS PSEUDONYMOUS PLAINTIFFS by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC. Response to Motion due by 6/7/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support) No proposed order. (egra, ) (Entered: 05/24/2017)
05/26/2017	<u>6</u>	<b>TEXT ORDER: Plaintiffs have moved, with the consent of Defendant South Carolina Department of Mental Health, to file this action as pseudonymous plaintiffs. (Dkt. No. 5). For good cause shown, the motion is granted. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 5/26/17.(ltap, )</b> (Entered: 05/26/2017)
06/12/2017	<u>7</u>	Summons Issued as to South Carolina Mental Health Commission, The. (sshe, ) (Entered: 06/12/2017)
06/21/2017	<u>8</u>	NOTICE of Appearance by William Henry Davidson, II on behalf of John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The (Davidson, William) (Entered: 06/21/2017)
06/21/2017	<u>9</u>	NOTICE of Appearance by Andrew F Lindemann on behalf of John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The (Lindemann, Andrew) (Entered: 06/21/2017)
06/22/2017	<u>10</u>	NOTICE of Appearance by Joel Steve Hughes on behalf of John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The (Hughes, Joel) (Entered: 06/22/2017)
06/29/2017	<u>11</u>	LETTER EXTENDING TIME TO ANSWER John H Magill answer due 7/25/2017; South Carolina Mental Health Commission, The answer due 7/25/2017; South Carolina Department of Mental Health, The answer due 7/25/2017. (Lindemann, Andrew) (Entered: 06/29/2017)
07/25/2017	<u>12</u>	ANSWER to <u>1</u> Complaint by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.(Lindemann, Andrew) (Entered: 07/25/2017)
07/25/2017	<u>13</u>	Local Rule 26.01 Answers to Interrogatories by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.(Lindemann, Andrew) (Entered: 07/25/2017)
07/27/2017	<u>14</u>	<b>SCHEDULING ORDER Rule 26(f) Conference Deadline 8/16/2017, 26(a) Initial Disclosures due by 8/30/2017, Rule 26 Report due by 8/30/2017, Motions to Amend Pleadings due by 10/24/2017, Plaintiffs ID of Expert Witness due by 11/27/2017, Defendants ID of Expert Witnesses Due by 12/27/2017, Records Custodian Affidavit due by 1/2/2018, Discovery due by 1/22/2018, Motion in Limine due by 15 business days prior to jury selection, Motions due by 2/5/2018, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection, Pretrial Briefs due by 5 business days prior to jury selection, Case ready for Trial Deadline on or after 5/7/2018 Signed by Honorable Richard M Gergel on 7/27/2017. (sshe, )</b> (Entered: 07/27/2017)
08/29/2017	<u>15</u>	Joint MOTION for Extension of Time by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 9/12/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Houseal, Sean) (Entered: 08/29/2017)
09/06/2017	<u>16</u>	Joint Rule 26(f) Report by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. (Attachments: # <u>1</u> Supporting Documents – Joint Waiver of Initial Disclosures, # <u>2</u> Supporting Documents – Joint Mediation of Cases Pending Before Judge Gergel Form, # <u>3</u> Supporting Documents – Joint Discovery Plan and Local Rule 26.03 Information)(Houseal, Sean) (Entered: 09/06/2017)
09/13/2017	<u>17</u>	<b>TEXT ORDER finding as moot <u>15</u> Motion for Extension of Time. 26(f) Report filed on 9/6/17. Entered at the direction of the Honorable Richard M Gergel on</b>

		<b>9/13/17.(ltap, )</b> (Entered: 09/13/2017)
09/14/2017	<u>18</u>	<b>AMENDED SCHEDULING ORDER Motions to Amend Pleadings due by 1/24/2018, Plaintiffs ID of Expert Witness due by 2/26/2018, Defendants ID of Expert Witnesses Due by 3/26/2018, Records Custodian Affidavit due by 4/2/2018, Discovery due by 4/22/2018, Motion in Limine due by 15 business days prior to jury selection, Motions due by 5/5/2018, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection, Pretrial Briefs due by 5 business days prior to jury selection, Case ready for Trial (non-jury) Deadline on or after 8/2/2018 Signed by Honorable Richard M Gergel on 9/13/2017. (sshe, )</b> (Entered: 09/14/2017)
09/14/2017	<u>19</u>	<b>ORDER TO CONDUCT MEDIATION Mediation Due by 5/22/2018 Signed by Honorable Richard M Gergel on 9/13/2017. (sshe, )</b> (Entered: 09/14/2017)
01/17/2018	<u>20</u>	MOTION to Appear Pro Hac Vice by Maura Martin Klugman ( Filing fee \$ 250 receipt number 0420-7561490) by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 1/31/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit Application/Affidavit and Certificate of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Houseal, Sean) (Entered: 01/17/2018)
01/17/2018	<u>21</u>	MOTION to Appear Pro Hac Vice by Mark J. Murphy ( Filing fee \$ 250 receipt number 0420-7561491) by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 1/31/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit Application/ Affidavit and Certificate of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Houseal, Sean) (Entered: 01/17/2018)
01/19/2018	<u>22</u>	<b>ORDER granting <u>20</u> Motion for Maura Martin Klugman to Appear Pro Hac Vice for AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL.; granting <u>21</u> Motion for Mark J. Murphy to Appear Pro Hac Vice for AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Signed by Honorable Richard M Gergel on 1/19/2018.(sshe, )</b> (Entered: 01/19/2018)
02/23/2018	<u>24</u>	Joint MOTION to Amend/Correct <u>14</u> Scheduling Order,, by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 3/9/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. Proposed order is being emailed to chambers with copy to opposing counsel.(Hughes, Joel) (Entered: 02/23/2018)
02/26/2018	<u>25</u>	<b>SECOND AMENDED SCHEDULING ORDER Discovery related to class certification due by 4/16/2018,, Plaintiffs' motion for class certification due by 4/30/2018, Plaintiffs ID of Expert Witness due by 5/26/2018,, Defendants ID of Expert Witnesses Due by 6/26/2018,, Records Custodian Affidavit due by 7/2/2018,, Discovery due by 7/22/2018,, Motion in Limine due by 15 business days prior to jury selection,, Motions due by 8/5/2018,, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection,, Pretrial Briefs due by 5 business days prior to jury selection,, Case ready for Trial Deadline on or after 11/1/2018,, Mediation Due by 8/22/2018 (Motion granted: <u>24</u> Joint MOTION to Amend/Correct <u>14</u> Scheduling Order,, filed by South Carolina Mental Health Commission, The, John H Magill, South Carolina Department of Mental Health, The). Signed by Honorable Richard M Gergel on 2/23/2018. (sshe, )</b> (Entered: 02/26/2018)
04/03/2018	<u>26</u>	MOTION to Certify Class by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. Response to Motion due by 4/17/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support, # <u>2</u> Exhibit A – List of Selected ADA Class Action Cases, # <u>3</u> Exhibit B – Breen Deposition, # <u>4</u> Exhibit C – SCDMH Accountability Report FY2013, # <u>5</u> Exhibit D – Graydon Deposition, # <u>6</u> Exhibit E – SCDMH Community Liaison and Casemanager Discharge Planning Policy, # <u>7</u> Exhibit F – SCDMH Inpatient Services Discharge Planning and

		Procedures, # <u>8</u> Exhibit G – McDaniel Deposition, # <u>9</u> Exhibit H – Social Work Discharge Planning Manual, # <u>10</u> Exhibit I – OSIG Review of the CRCF Program, # <u>11</u> Exhibit J – Solicitation for Bids, # <u>12</u> Exhibit K – Permanent Supportive Housing Strategic Plan, # <u>13</u> Exhibit L – Hope for Tomorrow, # <u>14</u> Exhibit M – Mental Health Housing Task Force Progress Report)No proposed order.(Houseal, Sean) (Entered: 04/03/2018)
04/12/2018	<u>27</u>	MOTION to Withdraw <i>Attorney William H. Davidson, II</i> by South Carolina Department of Mental Health, The. Response to Motion due by 4/26/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Davidson, William) (Entered: 04/12/2018)
04/13/2018	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION to Certify Class by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The. Response to Motion due by 4/27/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Lindemann, Andrew) (Entered: 04/13/2018)
04/16/2018	29	<b>Text Order re <u>28</u> Motion for Extension of Time to file Response/Reply as to <u>26</u> Plaintiffs' Motion for Class Certification. For good cause shown and because Plaintiffs' counsel consents to the requested extension, the Motion for Extension of Time is Granted. Defendants shall file a Response/Reply to <u>26</u> Plaintiffs' Motion for Class Certification on or before April 27, 2018. And it is so ordered. Entered at the Direction of Honorable Richard M Gergel on 4/16/2018.(sshe, )</b> (Entered: 04/16/2018)
04/19/2018	30	<b>TEXT ORDER: Defense counsel William Davidson has moved to be relieved as counsel. (Dkt. No. 27). For good cause shown, the motion is granted. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 4/19/18.(ltap, )</b> (Entered: 04/19/2018)
04/27/2018	<u>32</u>	RESPONSE in Opposition re <u>26</u> MOTION to Certify Class Response filed by John H Magill, South Carolina Department of Mental Health, The, South Carolina Mental Health Commission, The.Reply to Response to Motion due by 5/4/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Lindemann, Andrew) (Entered: 04/27/2018)
04/30/2018	<u>33</u>	MOTION for Extension of Time , MOTION for Extension of Time to File Response/Reply as to <u>32</u> Response in Opposition to Motion, ( Response to Motion due by 5/14/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. ) by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. No proposed order.(Houseal, Sean) (Entered: 04/30/2018)
04/30/2018	34	<b>TEXT ORDER granting <u>33</u> Motion for Extension of Time to File Reply to <u>32</u> Response in Opposition to Motion. Replies due by 5/11/2018. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 4/30/18.(ltap, )</b> (Entered: 04/30/2018)
05/10/2018	<u>35</u>	REPLY to Response to Motion re <u>26</u> MOTION to Certify Class Response filed by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL. (Attachments: # <u>1</u> Exhibit A – Marjorie Wilson–Guess Deposition Transcript excerpts)(Houseal, Sean) (Entered: 05/10/2018)
05/17/2018	<u>36</u>	NOTICE of Request for Protection from Court Appearance by Joel Steve Hughes for June 11–15, 2018 (Hughes, Joel) (Entered: 05/17/2018)
05/22/2018	<u>37</u>	Joint MOTION for Extension of Time <i>of Expert Deadlines, for Entry of Consent Confidentiality Order, and for Status Conference with the Court</i> by Protection and Advocacy for People with Disabilities Inc. Response to Motion due by 6/5/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit Consent Confidentiality Agreement)No proposed order.(Houseal, Sean) (Entered: 05/22/2018)
05/23/2018	38	<b>TEXT ORDER re <u>37</u> Joint MOTION for Extension of Time of Expert Deadlines: Plaintiffs deadline for ID of Expert Witnesses is extended to June 15, 2018.</b>



		<b>Defendants deadline for ID of Expert Witnesses is extended to July 15, 2018. All other deadlines set forth in the scheduling order of February 26, 2018 remain as scheduled. AND IT IS SO ORDERED. Entered a the direction of the Honorable Richard M Gergel on 5/23/18. (ltap, ) (Entered: 05/23/2018)</b>
05/23/2018	39	NOTICE of Hearing: Telephone Conference set for 5/30/2018 at 10:00 AM before Honorable Richard M Gergel. Counsel must initiate telephone conference and then call into Chambers or provide a call-in number to Chambers. Court Staff needed.(ltap, ) (Entered: 05/23/2018)
05/23/2018	<u>42</u>	<b>CONSENT CONFIDENTIALITY ORDER Signed by Honorable Richard M Gergel on 5/23/2018. (sshe, ) (Entered: 05/23/2018)</b>
05/30/2018	43	<b>Minute Entry. Proceedings held before Honorable Richard M Gergel: Telephone Conference held on 5/30/2018. Court to enter an order extending the <u>25</u> scheduling order deadlines. Court Reporter Tana Hess. (erav, ) (Entered: 05/30/2018)</b>
05/30/2018	<u>44</u>	<b>ORDER Counsel are directed to meet in person with their information technology experts within 15 days of this Order in an effort to narrow and make more specific search requests for Electronically Stored Information ("ESI")(see Order for details); regarding Defense counsel's clients' obligations under the Heath Insurance Portability and Accountability Act of 1996 with respect to the production of documents in discovery that contain identifying information of clients of the Department of Mental Health, see protective order (Dkt. No. 42), if the parties wish the Court to issue an additional order on this issue, they should confer and present the Court with a proposed consent order within 15 days of this Order; Plaintiffs ID of Expert Witness due by 6/15/2018; Defendants ID of Expert Witnesses Due by 9/1/2018; Mediation Due by 7/15/2018; Discovery due by 10/15/2018; provisions in the previous scheduling order (Dkt. No. 25) regarding pretrial disclosures, motions in limine, and pretrial briefs shall remain the same, Records Custodian Affidavit due by 11/1/2018 and Motions due by 11/1/2018; Trial Deadline on or after 2/1/2019 Signed by Honorable Richard M Gergel on 5/30/2018. (sshe, ) (Entered: 05/30/2018)</b>
06/15/2018	<u>45</u>	PLAINTIFF'S ID OF EXPERT WITNESSES by AW, CM, HH, MJ, Protection and Advocacy for People with Disabilities Inc, RC, WL.(Houseal, Sean) (Entered: 06/15/2018)