

FILED

STATE OF NORTH CAROLINA

2020 FEB -4 PM 4: 44

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

WAKE CO., C.S.C.

17 CVS 6357

BY _____

SAMANTHA R., by her Guardian, TIM R.,)
MARIE K., by her guardian, EMPOWERING)
LIVES GUARDIANSHIP SERVICES, LLC,)
CONNIE M., by her guardian CHARLOTTE R.,)
JONATHAN D., by his guardian MICHAEL D.,)
MITCHELL T., by his guardian, BETSY S., and)
DISABILITY RIGHTS NORTH CAROLINA,)

Plaintiffs,)

v.)

ORDER

STATE OF NORTH CAROLINA, THE)
NORTH CAROLINA DEPARTMENT OF)
HEALTH AND HUMAN SERVICES, and)
MANDY COHEN, in her official capacity)
as Secretary of the North Carolina Department)
of Health and Human Services,)

Defendants.)

THIS MATTER came before the Undersigned on Defendants' Motion for Summary Judgment and Plaintiffs' Motion for Partial Summary Judgment pursuant to Rule 56 of the North Carolina Rules of Civil Procedure. The Undersigned having considered the affidavits submitted, as well as the pleadings, depositions, answers to interrogatories, discovery materials, admissions on file, memoranda, and the arguments of the parties, issues the following ruling:

IT IS ORDERED that Defendants' Motion for Summary Judgment is DENIED.

IT IS ORDERED that Plaintiffs' Motion for Partial Summary Judgment is GRANTED as to the First Claim for Relief, and Defendants are declared in violation of N.C. Gen. Stat.

§ 168A-7(b), the North Carolina Persons with Disabilities Protection Act.

The Undersigned will issue one or more further orders pertaining to injunctive relief, and any further relief as may be necessary and appropriate, at a later date, and will retain jurisdiction of this matter.

SO ORDERED, this 4 day of February 2020.

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, positioned above a horizontal line.

Honorable Allen Baddour
Superior Court Judge Presiding

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was served on the persons indicated below by depositing a copy hereof, first class postage pre-paid in the United States mail, properly addressed, and by electronic mail, as follows:

Lisa Grafstein
Emma Kinyanjui
DISABILITY RIGHTS NC
3724 National Drive, Suite 100
Raleigh, NC 27612
Lisa.grafstein@disabilityrightsn.org
Emma.kinyanjui@disabilityrightsn.org
Counsel for Plaintiffs

Michael T. Wood
Special Deputy Attorney General
Neal T. McHenry
Assistant Attorney General
N.C. DEPARTMENT OF JUSTICE
PO Box 629
Raleigh, NC 27602
mwood@ncdoj.gov
nmchenry@ncdoj.gov
Counsel for Defendants

This the 4th day of February 2020.



Kellie Z. Myers
Trial Court Administrator – 10th Judicial District
P.O. Box 1916
Raleigh, NC 27602
Kellie.Z.Myers@nccourts.org