

FILED

STATE OF NORTH CAROLINA

2020 FEB -4 PM 4: 44

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

WAKE CO., C.S.C.

SUPERIOR COURT DIVISION

17 CVS 6357

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, appearing to read 'A. Baddour', written over 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:

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Counsel for Defendants

This the 4th day of February 2020.



Kellie Z. Myers
Trial Court Administrator – 10th Judicial District
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