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OCT 28 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

70211

Circuit Court Case No. 2007-CP-40-02187

Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S. are **APPELLANTS.**

v.

South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs **RESPONDENTS**

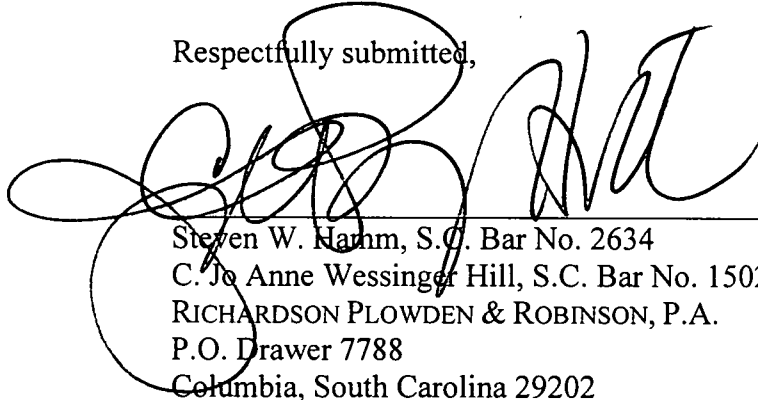
NOTICE OF APPEAL

The Appellants, Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on

behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S. (“Appellant” or “Appellants”), appeal the Order of the Honorable G. Thomas Cooper, Jr, dated September 24, 2013, denying Appellants’ Motion for Summary Judgment or Partial Summary Judgment, dismissing with prejudice their claims and granting Respondents’ Motion for Summary Judgment. Appellants received written notice of entry of the Order on October 7, 2013. A copy of the Order is enclosed with this notice.

On October 17, 2013, the Appellants timely filed in the above-captioned case before Circuit Judge Cooper, Jr. a motion pursuant to Rule 59(e), SCRCF and is awaiting a ruling. Thereafter, opposing counsel has requested from the Circuit Court a delay in action on the Appellants’ motion until after November 4, 2013 when Respondents could respond due to being tied up with other matters or out of the office. Appellants’ counsel has attempted to contact opposing counsel on this matter, who has been unavailable, to determine if timing is a potential issue but the Respondents’ counsel has not responded to such attempt at this time. The Appellants have advised that they do not have any objection to such request by Respondents to the Court. However, the Appellants want to protect and preserve their interests and are filing this Notice of Appeal within thirty (30) days of the date of mailing (not from the date of receipt) said Order in an abundance of caution so that there is no argument that an appeals deadline has been missed or otherwise abandoned by the Appellants.

Respectfully submitted,



October 28, 2013

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C. Jo Anne Wessinger Hill, S.C. Bar No. 15025
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October 28, 2013

VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

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SC Court of Appeals

Re: Protection and Advocacy for the People with Disabilities, Inc.; M.J.B.
on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of
P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and
as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H.
on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of
E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as
Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K.
on behalf of and as guardian of S.S, **APPELLANTS** v. South Carolina
Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her
official capacity as Director of the South Carolina Department of Disabilities
and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp,
Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as
Commissioners of the South Carolina Department of Disabilities and Special
Needs **RESPONDENTS**
Appeal from Richland County Court of Common Pleas
Case No. 2007-CP-40-02187

Dear Ms. Kitchings:

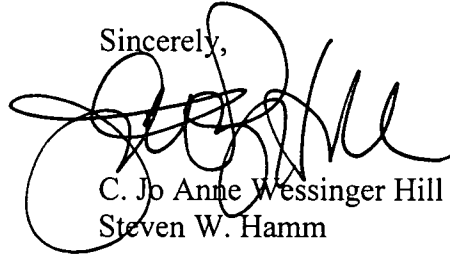
Please find enclosed the original and two copies of a Notice of Appeal in the above-referenced matter, together with Proof Certificate of Service and our check in the amount of \$100.00 in payment of the filing fee. Please return one clocked copy to the undersigned.

By a copy hereof we are serving the same on Kenneth P. Woodington, Esq., attorney for the Respondents.

If you should have any questions or concerns, please do not hesitate to contact this office.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to be a cursive combination of the names C. Jo Anne Wessinger Hill and Steven W. Hamm. The signature is written over the printed names below it.

C. Jo Anne Wessinger Hill
Steven W. Hamm

SWH/CJWH/kjt

Enclosures

cc: Kenneth P. Woodington, Esq. w/encs.