

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
J. Michael Baxley, Circuit Court Judge

Case No. 2005-CP-40-02925

RECEIVED

MAY 16 2014

SC Court of Appeals

T.R., P.R., K.W., and A.M., on behalf of
themselves and others similarly situated; and
Protection and Advocacy for People with Disabilities, Inc., Respondents,

v.

South Carolina Department of Corrections; and
William R. Byars, Jr., as Director of the
South Carolina Department of Corrections, Appellants.

NOTICE OF APPEAL

The Appellants South Carolina Department of Corrections and William R. Byars, Jr. appeal from all pre-trial, trial, and post-trial bench rulings, including procedural and evidentiary rulings, by former Circuit Court Judge J. Michael Baxley during the trial of this action from February 6, 2012 through March 23,

2012. The Appellants further appeal the following Orders all of which were issued by former Circuit Court Judge J. Michael Baxley:

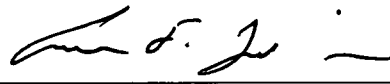
1. Order Granting Rule 34 Inspection, filed January 9, 2006
2. Order filed June 27, 2006
3. Order Granting Defendant South Carolina General Assembly's Motion to Dismiss and Denying Defendant South Carolina Department of Corrections' Motion to Dismiss, filed August 18, 2006
4. Order Allowing an Additional Defendant, Denying State's Motion to Dismiss, and Authorizing Class Certification, filed November 2, 2007
5. Order Setting Forth Procedure for Inspection of Lee and Lieber Correctional Institutions, filed September 16, 2008
6. Order Resolving Certain Discovery Disputes, filed May 7, 2009
7. Order Setting Forth Procedures for August 23-27 Inspection, filed August 17, 2010
8. Order Allowing Photograph and Audio Record Interviewed of Inmates, filed September 1, 2010
9. Order Setting Forth Applicable Constitutional Standards, filed October 6, 2010
10. Order Granting in Part and Denying in Part Plaintiffs' Amended Motion for Further Inspections, filed November 4, 2010
11. Order Granting Plaintiffs' Motion to Compel Responses to 13th Request for Production, 14th Request for Production and Interrogatories, and 15th Request for Production and Interrogatories, filed November 12, 2010

12. Order Amending August 17, 2010 Order Setting Forth Procedures for August 23-27, 2010 Inspections to Permit SCDC Limited Disclosure of Information, filed November 15, 2010
13. Order Amending January 8, 2006 Protective Order and Establishing Procedure for Dissemination of Discovery Information, filed November 19, 2010
14. Order Denying Defendants' Motion to Alter, Amend, or Reconsider October 6, 2010 Order Setting Forth Constitutional Standards, filed December 17, 2010
15. Order Compelling SCDC to Fully Respond to Plaintiffs' 9th Interrogatory 2 and Plaintiffs to Fully Respond to SCDC's 3rd Interrogatory 9, filed June 2, 2011
16. Order Granting Plaintiffs' Motion to Compel Responses to 14th Interrogatories, 15th Interrogatories, and 15th Request for Production, filed July 6, 2011
17. Order Granting in Part and Denying in Part SCDC's Motion to Compel, filed July 6, 2011
18. Order Denying Defendant SCDC's Motion to Reconsider July 6, 2011 Discovery Order, filed August 29, 2011
19. Order Granting Plaintiff's Motion to Alter or Amend and Reconsider July 6, 2011 Discovery Order, filed August 29, 2011
20. Order Denying SCDC's Motion for Protective Order, filed October 3, 2011
21. Order Granting Plaintiffs' Motion to Compel SCDC's Final Supplemental Responses, filed October 11, 2011
22. Order Granting Plaintiffs' Amended Motion to Compel, filed November 28, 2011

23. Order Granting Judgment in Favor of Plaintiffs, filed January 8, 2014
24. Order Denying Defendants' Motion to Alter or Amend, filed April 18, 2014

The Appellants' counsel received written notice of entry of the Order Denying Defendants' Motion to Alter or Amend on April 18, 2014.

DAVIDSON & LINDEMANN, P.A.

BY: 

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Counsel for Appellants

May 16, 2014

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Counsel for Respondents

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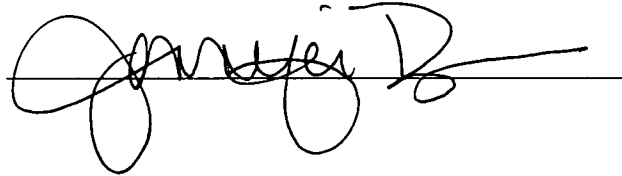
v.

South Carolina Department of Corrections; and
William R. Byars, Jr., as Director of the
South Carolina Department of Corrections, Appellants.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Defendant, does hereby certify that service of the **Notice of Appeal** in the above-captioned matter was made upon all counsel of record by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 16th day of May 2014:

Stuart M. Andrews, Jr., Esquire
Daniel J. Westbrook, Esquire
Nelson, Mullins, Riley and Scarborough, LLP
Post Office Box 11070
Columbia, South Carolina 29211

A handwritten signature in black ink, appearing to read "Daniel J. Westbrook", written over a horizontal line.

DAVIDSON & LINDEMANN, P.A.

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May 16, 2014

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

RE: T.R., P.R., K.W. and A.M. v. South Carolina Department of Corrections
Civil Action Number: 2005-CP-40-2925
Our File Number: 340.6875

Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of the **Notice of Appeal** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have not enclosed the filing fee since the appellant is a state agency.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

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MAY 16 2014

SC Court of Appeals

AFL/jmb
Enclosures

cc: Daniel J. Westbrook, Esquire (w/ Enclosure, Via Email & U.S. Mail)
Stuart M. Andrews, Jr., Esquire (w/ Enclosure, Via Email & U.S. Mail)