

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 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.,)
)
 Plaintiffs,)
)
 v.)
)
 State of South Carolina; South Carolina)
 Department of Corrections; and Jon)
 Ozmint, as Director of the South Carolina)
 Department of Corrections,)
)
 Defendants.)

COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

2005-CP-40-02925

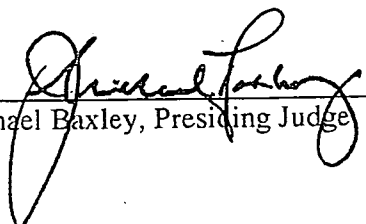
**ORDER DENYING DEFENDANTS'
 MOTION TO ALTER, AMEND, OR
 RECONSIDER OCTOBER 6, 2010
 ORDER SETTING FORTH
 CONSTITUTIONAL STANDARDS**

MICHAEL AND COURTNEY
 FILED
 2010 DEC 17 AM 10:26
 JENNIFER W. McBRIDE
 C.C.P. & G.S.

IT IS ORDERED AND ADJUDGED: In this class action, Plaintiffs allege constitutional violations arising from Defendants' treatment of inmates with serious mental illness. To facilitate the discovery process, as well as for purposes of judicial economy, this Court entered an Order setting forth the constitutional standards Plaintiffs would have to meet to prove their case. Pursuant to Rule 59(e), Defendants now move this Court to alter, amend, or reconsider the Order Setting Forth Applicable Constitutional Standards filed October 6, 2010. Specifically, Defendants ask this Court to now vacate the Order for two reasons: (1) this Court improperly relied upon state precedent, or lack thereof, in fashioning its reasoning; and (2) the public duty rule excludes Plaintiffs' claims.

After review, this Court **DENIES** Defendants' motion without a hearing because there is sufficient South Carolina constitutional precedent on these issues from which the Court can derive its ruling, and Defendants' public duty argument is without merit because such does not apply to Plaintiffs' constitutional claims.

IT IS SO ORDERED.


 J. Michael Baxley, Presiding Judge

December 13, 2010

DL 12/22/10

This judgment was entered on the ____ day of December 2010, and a copy mailed first class this ____ day of December, 2010 to attorneys of record or to parties as follows:

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