

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.)

IN THE FIFTH JUDICIAL CIRCUIT
 CIVIL ACTION NO. 2005-CP-40-02925

**ORDER GRANTING IN PART
 AND DENYING IN PART SCDC'S
 MOTION TO COMPEL**

JEANETTE M. BRIDGEMAN
 CLERK OF COURT
 2011 JUL -6 PM 3:50
 RICHLAND COUNTY
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Defendant South Carolina Department of Corrections ("SCDC") served its Third Interrogatories and Second Requests for Production on June 7, 2010. On December 8, 2010, SCDC filed a motion to compel supplemental responses from Plaintiffs. On February 4, 2011, arguments were heard on SCDC's motion.

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 On February 21, March 1, and March 9, 2011, Plaintiffs served supplemental responses to many of SCDC's discovery requests. However, the Court finds that Plaintiffs' responses to Third Interrogatories 5, 26, 27, and 30 and Second Requests for Production 9-11 are incomplete. Plaintiffs are therefore ordered to provide full and complete responses to these discovery requests by August 1, 2011.

Plaintiffs' responses to SCDC's other discovery requests are sufficient, but may require supplementation pursuant to the case scheduling order.

At the February 4, 2011 hearing, the parties vigorously argued SCDC's Third Interrogatory 32, which reads as follows:

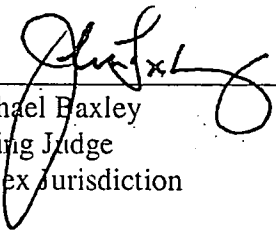
SCANNED

Describe in detail each and every letter, email, memorandum, note or other document memorializing oral or written communication between representatives of Plaintiff P&A and any individual regarding Plaintiffs' allegations in this lawsuit. Include in this response:

- a. the type of document (e.g. letter, email, memorandum, etc.);
- b. the author of the document;
- c. the recipient of the document;
- d. the date the document was authored and/or received;
- e. the substance of the document; and
- f. which inmate(s), if any, were the subject of the document.

Plaintiffs assert that communications between P&A and its clients are privileged. In support of their position, Plaintiffs' counsel submitted a letter to the Court dated February 11, 2011. After considering the arguments made at the hearing and set forth in the February 11 letter, this Court concludes that the disclosure of confidential communications and information obtained by P&A in its role as the protection and advocacy system for the State of South Carolina would violate public policy, the rights of the clients represented by P&A, and the attorney-client privilege. SCDC's motion to compel further responses to its Third Interrogatory 32 are therefore denied.

AND IT IS SO ORDERED.



 J. Michael Haxley
 Presiding Judge
 Complex Jurisdiction

Hartsville, South Carolina

June 23, 2011