

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

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

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.)

ORDER GRANTING PLAINTIFFS')
MOTION TO ALTER OR AMEND AND)
RECONSIDER JULY 6, 2011)
DISCOVERY ORDER)

Plaintiffs have filed a motion pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure to ask the Court to modify its Order Granting In Part and Denying In Part Plaintiffs' Motion to Compel Responses to Pre-Inspection Discovery for Lee-Lieber filed July 6, 2011 (the "Order"). This motion is limited to paragraph five of the Order concerning the Department's production of schematic drawings of particular SCDC institutions.

Based upon the pleadings and correspondence filed by the parties and the arguments presented, the Court grants the Plaintiffs' motion in part as set forth below.

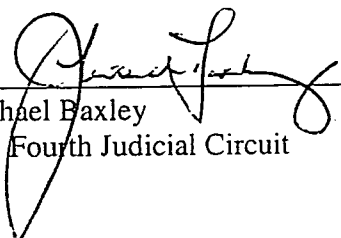
The Order provided that no one other than Plaintiffs' counsel and testifying expert Stephen Carter were authorized to review the schematic drawings to be produced by the Department. Plaintiffs moved that this list of individuals permitted to review the Department's schematic drawings be expanded to include Paul T. Chastant, II. A member of Mr. Carter's firm, Mr. Chastant is a senior architect who has served as the State Architect for the Louisiana Department of Corrections and the Office of Juvenile Justice. The Court finds that the

Department's security will not be compromised by permitting Mr. Chastant to assist Mr. Carter and to be included among those authorized to review the schematic drawings.

In addition, Plaintiffs sought clarification of the Order concerning the Court's direction that Plaintiffs devise an alternative to the introduction of the schematic drawings as a trial exhibit. Plaintiffs sought clarification that the Order does not prevent Plaintiffs from introducing at trial generic diagrams based on the schematic drawings that would not identify any institution or space within a particular institution.

During the hearing, the parties reached an agreement in principle that generic diagrams would not violate the Order, subject to the Department's reservation of rights to object to proposed exhibits that compromise SCDC's security interests. Plaintiffs further agreed to provide the Department with this proposed exhibit with sufficient notice prior to trial to permit SCDC to review the exhibit and to provide adequate opportunity for the parties to attempt to reach an agreement concerning an exhibit that would not pose a security risk. If the parties cannot agree, the Court will determine the admissibility of Plaintiffs' schematic drawing exhibit pursuant to an appropriate pre-trial motion.

IT IS SO ORDERED.



J. Michael Baxley
Judge, Fourth Judicial Circuit

Hartsville, South Carolina

August 25, 2011