

Patricia Logan Harrison  
611 Holly Street  
Columbia, South Carolina 29105

April 10, 2018

Honorable Jenny A. Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, South Carolina 29211

RECEIVED

Re: Estate of Mims v. DDSN et. al.  
Case No. 2014-001373

APR 11 2018

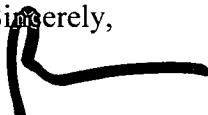
SC Court of Appeals

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), Appellant calls to the Court's attention to the April 4, 2018 judgment of the South Carolina District Court in *Doe v. Kidd*, a lawsuit containing only official capacity claims, which is attached. Upon motion of the state's attorney, the district court amended the judgment to hold the Department of Disabilities and Special Needs and the South Carolina Department of Health and Human Services liable to pay attorney's fees in the amount of one million, three hundred twelve, six hundred eighty-one and 41/100 (\$1,312,681.41) dollars in addition to fifteen thousand, five hundred and 00/100 dollars in GAL fees. (The parties entered into a settlement agreement wherein the state agencies agreed to pay a reduced amount contingent upon the plaintiff agreeing to hold only the state agencies responsible for the judgment.) That judgment is in addition to the fee award by the Fourth Circuit of six hundred, sixty-nine thousand, seventy-seven and 20/100 (\$669,077.20) dollars in legal fees and thirty-nine thousand, one hundred seventy-three and 75/100 (\$39,173.75) dollars, which were paid by the state agencies in 2017 in that case.

This new authority relates to Respondent's argument in their reply brief that pursuant to *Manning v. S.C. Dep't of Highway & Pub. Transp.*, 914 F.2d 44, 48 (4<sup>th</sup> Cir. 1990) and *Will v. Michigan State Police*, 491 U.S. 58, 71 (1989), state agencies may not be sued under 42 U.S.C. 1983 of the Civil Rights Act, because the agencies are not "persons."

Sincerely,



Patricia Logan Harrison

cc: Ken Woodington, Esq.

AO 450 (SCD 04/2010) Judgment in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of South Carolina

Sue Doe

Plaintiff

v.

Linda Kidd; Stan Butkus; Kathi Lacy; South Carolina Department of Disabilities and Special Needs; Robert Kerr; and South Carolina Department of Health and Human Services,

Defendants

Civil Action No. 3:03-1918-MBS

RECEIVED

APR 11 2018

SC Court of Appeals

FOURTH AMENDED JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

other: The Department of Disabilities and Special Needs and the South Carolina Department of Health and Human Services shall pay Attorney's fees in the amount of One Million, Three Hundred Twelve, Six Hundred Eighty-One and 41/100 (\$1,312,681.41) Dollars, in addition to the Six Hundred, Sixty-Nine Thousand, Seventy-Seven and 20/100 (\$669,077.20) Dollars awarded by the Fourth Circuit, to the plaintiff, Sue Doe, along with guardian ad litem fees in the amount of Fifteen Thousand, Five Hundred and 00/100 (\$15,500.00) Dollars, in addition to the Thirty-Nine Thousand, One Hundred Seventy-Three and 75/100 (\$39,173.75) Dollars awarded by the Fourth Circuit.

This action was (check one):

tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

decided by the Honorable Margaret B. Seymour, Senior United States District Judge, presiding. The Court having reconsidered the matter of remand from the United States Court of Appeals for the Fourth Circuit as to the award of attorney's fees and guardian ad litem fees.

Date: April 4, 2018

CLERK OF COURT

s/Mary Deal

Signature of Clerk or Deputy Clerk

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
G. Thomas Cooper, Jr., Circuit Court Judge

---

Case No. 2007-CP-40-3365  
Appellate Case No. 2014-001373

---

**RECEIVED**

APR 11 2018

SC Court of Appeals

Estate of Edward James Mims,  
Laura M. Cole, Personal Representative,.....

Appellant,

v.

The South Carolina Department of Disabilities and  
Special Needs, Kathi Lacy, and Stan Butkus,..... Respondents.

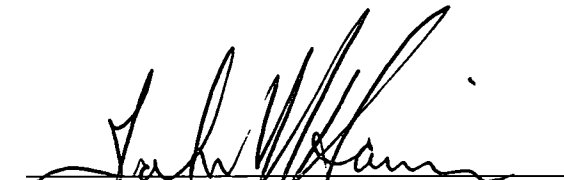
---

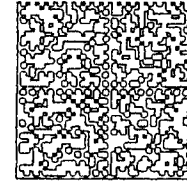
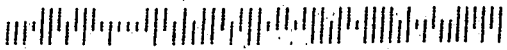
**CERTIFICATE OF SERVICE**

---

The Appellant's **Letter pursuant to Rule 208(b)(7)** was sent by United States Mail to Respondents' Counsel, Kenneth P. Woodington, Esq., Davidson, Wren & Plyler, PO Box 8568, Columbia, SC 29202-8568; and to Amici Counsel Kathleen Warthen, Esq., Protection & Advocacy for People with Disabilities, 3710 Landmark Dr., Suite 208, Columbia, SC 29204 & Franchelle C. Millender, Esq., Millender Elder Law LLC, 1441 Main St., Suite 725, Columbia, SC 29201.

April 10, 2018

  
John N. Harrison  
Law Office of Patricia Logan Harrison  
611 Holly Street  
Columbia, SC 29205



015H14165050

\$1.63

04/10/18

Mailed From 29205

HASLER

US POSTAGE

**RECEIVED**  
APR 11 2018  
SC Court of Appeals

PATRICIA L. HARRISON  
ATTORNEY AT LAW  
611 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205

TO:

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, South Carolina 29211