

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Robert Levin, and Mary Self, Mother of Robert
Levin,

Plaintiffs,

vs.

South Carolina Department of Health and
Human Services,

Defendant.

C/A No. 3:12-cv-0007-JFA

ORDER

The first bench trial of this case was conducted on February 24-25, 2015, on Plaintiffs' claims for violation of the ADA and § 504 of the Rehabilitation Act. A second bench trial in this case was held on April 27-28, 2015, on Plaintiffs' remaining claim under 42 U.S.C. § 1983, with additional testimony to be taken on May 5, 2015.¹ Given the complexity of this case and pursuant to the oral instruction given during the second trial, the parties are hereby ordered to obtain a copy of all trial testimony, the cost of such transcripts to be split between the parties.²

Thereafter, the parties are to submit to the Court within twenty (20) days of receipt of the last transcript, a detailed "Statement of Facts Proven" for each violation. This statement must contain the specific, discrete facts proven for each claim, as well as a reference to the testimony

¹ Per the Order of this Court, Plaintiff has four remaining alleged violations of the Medicaid Act: (1) 42 U.S.C. § 1396a(a)(17) – Reasonable Standards, (2) 42 U.S.C. § 1396a(a)(30) – Payment of Rates, (3) 42 U.S.C. § 1396n(c)(2) – Feasible Alternatives, and (4) 42 C.F.R. § 441.302 – Protection of Waiver Participants. (ECF No. 193).

² Although the Court has already issued a ruling on the claims tried during the first bench trial (ECF No. 184), the parties and the Court have agreed that portions of the testimony elicited during the first bench trial may be relevant to the remaining claims tried during the second bench trial. As such, the parties are instructed to obtain a transcript of both trials.

supporting each fact, including a citation to the page and line number from the transcript. Broad references to testimony in general terms and citations to lump portions of a witness's testimony will not be deemed compliant with this Order and will not be considered by the Court.

The "Statement of Facts Proven" submitted by each party shall not exceed twenty (20) pages.

IT IS SO ORDERED.

April 29, 2015
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive style.

Joseph F. Anderson, Jr.
United States District Judge