

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA.

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ADVOCACY CENTER

PLAINTIFF

VS.

RICHARD STALDER, SECRETARY OF
THE LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS
AND KELLY WARD, WARDEN OF
THE DAVID WADE CORRECTIONAL
CENTER

DEFENDANTS

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CIVIL ACTION NO. 98-646

SIGN *file*
RICHARD T. MARTIN
CLERK

SECTION A

JUDGE PARKER

MAGISTRATE JUDGE DALBY

**PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

Plaintiff files this Motion for Summary Judgment pursuant to Rule 56(a), Fed. R. Civ. P. In support of its motion, Plaintiff would show that there is no genuine issue of material fact and that it is entitled to judgment as a matter of law that Defendant is required to give Plaintiff access to the records of inmates as provided in the Protection and Advocacy for Individuals with Mental Illness Act (the "PAIMI Act"), 42 U.S.C. §10801, *et seq.* This motion is based on the pleadings and on the declaration of Karen J. King, which is on file in connection with Plaintiffs' Motion for Temporary Restraining Order. It is accompanied by a Memorandum in Support of Plaintiff's Motion for Summary Judgment and Plaintiff's Statement of Undisputed Material Facts.

WHEREFORE, Plaintiff requests that this Court enter summary judgment in its favor on this claim, and that it :

- (1) Declare that Defendants' failure to grant Plaintiff access to its inmate's records violates Plaintiff's rights under the PAIMI Act and 42 U.S.C. §1983;
- (2) Declare that Defendants' failure to grant Plaintiff access to William Ford's records violated his rights under under the PAIMI Act and 42 U.S.C. §1983;

JVP
PH



3: 98-cv-00646 15 - 1

DATE: 03/26/99

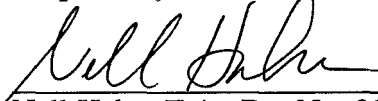
DEPUTY CLERK: BW

(3) Declare that Defendants have an obligation to ensure that the access rights granted to Plaintiff by the PAIMI Act are fully and uniformly implemented at all of Defendants' facilities;

(4) Permanently enjoin Defendants from violating Plaintiff's rights under 42 U.S.C. §1983 and the PAIMI Act;

Date: March 25, 1999

Respectfully submitted,



Nell Hahn, T.A., Bar No. 22406
Advocacy Center
515 S. College Road, Suite 130
Lafayette, LA 70503
(318) 237-7380
(318) 237-0486 FAX

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing Plaintiff's Motion for Summary Judgment was served on Defendant by mailing a copy by U.S. mail, postage prepaid, on Roxie F. Goynes-Clark, Attorney for Defendants, P.O. Box 94304, Capitol Station, Baton Rouge, LA 70804-9304, on the 25th day of March, 1999.



NELL HAHN