

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**UNIVERSITY LEGAL SERVICES-
PROTECTION AND ADVOCACY, INC.**

**CIV. NO: 1:04cv01021 (RBW)
Judge Walton**

Plaintiffs,

v.

NORTHWESTERN HUMAN SERVICES,

and

**MARTHA B. KNISLEY, DIRECTOR,
DISTRICT OF COLUMBIA DEPARTMENT OF
MENTAL HEALTH,
in her official capacity,**

Defendants.

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure as well as Local Rule 56.1, Plaintiff University Legal Services, Inc. - Protection and Advocacy (“ULS”), submits this Motion for Summary Judgment. As the protection and advocacy program for the District of Columbia, ULS has certain access rights provided for in Federal law. Defendants, Northwestern Human Services (“NWHS”) and Martha B. Knisley, in her official capacity as Director, District of Columbia Department of Mental Health (“DMH”), have denied ULS timely access to records requested in violation of the Protection and Advocacy for Individuals with Mental Illness (PAIMI) statute, 42 U.S.C. §§10801-10827, the First and Fifth Amendments of the U.S. Constitution, and 42 U.S.C. §1983.

ULS filed a Motion for Preliminary Injunction asking this Court to order the Defendants to provide the requested records. In July, 2004, ULS and DMH settled the Preliminary Injunction and DMH gave ULS a list of names and contact information for many of those on the list. ULS now files this Motion for Summary Judgment seeking a Declaratory Judgment and a Permanent Injunction against the Defendants to provide access as required by Federal law.

For the reasons set forth in the accompanying Memorandum of Points and Authorities, ULS respectfully request this Court to enter Declaratory Judgment that ULS has a Federal right to access to the requested records and a Permanent Injunction requiring Defendants to provide ULS with access to records as required by Federal law. Further, this Court should award ULS costs, expenses, and reasonable attorneys' fees.

Respectfully submitted,

/s/
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