



James W. Logan, Jr., Esquire  
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July 5, 2016

*(Via Electronic Mail Only)*

Holly Pisarik  
[HollyPisarik@gov.sc.gov](mailto:HollyPisarik@gov.sc.gov)

Re: Johnny Timpson, et al v. Nikki Haley, et al  
Case No.: 6:16-cv-01174-TMC

Dear Holly:

All parties have now furnished responses to Local Rule 26(a)(1) disclosure requirements in the above captioned matter and I enclose herein for your review and file a copy of same. I call your attention specifically to the Plaintiff's disclosures along with those of the South Carolina Department of Health and Human Services and the Anderson County Disability and Special Needs Board and individuals referenced therein. In the Plaintiff's disclosures, there are a number of individuals listed that are stated to have information regarding "...the involvement of the Governor's office..." in this matter. In the disclosures of the South Carolina Department of Health and Human Services, an ombudsman's investigator in the Lieutenant Governor's Office on Aging, i.e. Tammy S. Keller, is identified as being someone with information regarding the allegations of abuse and/or neglect.

Following your review of these documents, please give me a call so that we can discuss them in more detail. I believe it will be important for me to meet with you and anyone in the Governor's office you recommend in the near future regarding this case. In that regard, please contact either me or my paralegal, Kim Manley, so that this meeting can be coordinated at a convenient date and time.

Thank you for your attention to this matter and I look forward to talking with you.

Yours Very Truly,

LOGAN, JOLLY & SMITH, LLP

James W. Logan, Jr.

JWLjr:krm  
Enclosures

1805 North Boulevard  
Anderson, SC 29621  
Telephone: 864-226-1910  
Facsimile: 864-226-1931

Mailing Address  
Post Office Box 259  
Anderson, SC 29622

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Johnny Timpson, by and through his )  
Conservator, Sandra Timpson, and )  
Sandra Timpson, in her individual )  
capacity, )

Plaintiffs, )

v. )

Nikki Haley, Governor of the State of )  
South Carolina, the Anderson County )  
Disabilities and Special Needs Board, )  
Horace Padgett, Chairman of the Anderson )  
Count Disabilities and Special Needs Board )  
Dale Thompson, former executive )  
director of the Anderson Disabilities and )  
Special Needs Board, John King, former )  
director of the Anderson Disabilities and )  
Special Needs Board, Tyler Rex, Director )  
of the Anderson DSN Board, The South )  
Carolina Department of Disabilities and )  
Special Needs, William Danielson, )  
Chairman DDSN Commission, Beverly )  
Buscemi, Director of The South Carolina )  
Department of Disabilities and Special )  
Needs, the South Carolina Department of )  
Health and Human Services, Christian )  
Soura, Director of the South Carolina )  
Department of Health and Human Services, )  
Alexander McNair, Chairman of the Board )  
of Thrive Upstate, formerly known as the )  
Greenville county Disabilities and )  
Special Needs Board, John Cocciolone, )  
Director of Thrive Upstate, and Unknown )  
Actors at the South Carolina Department of )  
Health and Human Services, the Department )  
of Disabilities and Special Needs, the )  
Anderson Disabilities and Special )  
Needs Board, the Greenville County )  
Disabilities and Special )  
Needs Board and/or Thrive Upstate. )

Defendants. )

CIVIL ACTION NO. 6:16-cv-01174-MGL

**PLAINTIFFS' LOCAL RULE 26(a)(1)  
DISCLOSURES**

Plaintiffs hereby make the following Fed. R. Civ. P. Rule 26(a)(1) disclosures, reserving the right to supplement these disclosures as additional information becomes known or available to them:

**A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.**

RESPONSE: This list may be supplemented prior to trial upon discovery of information during the continued investigation of this case. Plaintiffs reserve the right to call any witnesses or other persons identified in Defendants' Rule 26a(1) Report.

- a. Current DDSN Commissioners
  - William Danielson
  - Vicki Thompson
  - Eva Ravenel
  - Gary Lemel
  - Mary Ellen Barnwell
  - Sam Broughton, Jr.
  - Catherine Fayssoux

DDSN Commissioners have information about the systemic nature of financial mismanagement, abuse, neglect and exploitation of clients and other matters related to the administration of DDSN programs, as well as the involvement of the Governor and members of the General Assembly in matters related to the complaint in this case and other matters related to this litigation. Mr. Danielson is believed to have information related to appropriations by DDSN not approved by the General Assembly to pay fica taxes, interest and penalties incurred by a private corporation with funds intended to provide Medicaid waiver services.

- b. Persons with information on assaults at Anderson DSN Board:
  - Jarrad D. Sparkman - information on assault
  - E.K.Elrod - information on assault to face
  - Cpl. T.L. Johnson - incident report for bruised face/swelling

Shawn Dunlap - information on incident report re assault and battery

Tammy S. Keller - Ombudsman investigator re burn

- c. Rashad Foggie - house manager at Anderson DSN Board

This witness has information about incidents occurring at Tiny Greer CTH II and other information related to the allegations contained in the complaint.

- d. Anthony Walker - CTH Coordinator, Anderson DSN Board

This witness has information on the procedures and practices of DDSN and the Anderson DSN Board and other information related to the treatment provided to Timpson and other residents.

- e. Kevin Morton - nurse practitioner who treated Timpson at AnMed

This witness has information about the injuries Timpson received and may have information on patterns of abuse/neglect in DDSN facilities.

- f. Whitten Center and employees, former employees, directors, former directors, members of the board of directors and former members of the board of directors and contractors/agents of this organization.

These persons have information about matters related to Whitten Center and DDSN, including, but not limited to the investigation by DOJ and P&A, matters related to funding paid to private corporations by DDSN, other matters related to abuse, neglect and exploitation of consumers, including, but not limited to sexual abuse, reporting and investigation of incidents, fica taxes, sexual assaults of Johnny Timpson and other residents of Whitten Center, investigations by federal and state authorities of Whitten Center and other issues related to this litigation.

- g. Wes Kissinger, Esq.

Harrison, White Smith and Coggins

PO Box 3547

Spartanburg, South Carolina

864 585 5100

Clients of Wes Kissinger whose family members were abused at Whitten Center

Mr. Kissinger represented residents who were sexually assaulted by staff at Whitten Center, and he and his clients have information regarding the patterns of abuse and

neglect at the facility, negligent hiring, failure to supervise and the failure to DDSN and others to protect residents from harm and other matters related to this litigation.

h. Judy Johnson.

Babcock Center (former director of Whitten Center).  
West Columbia, South Carolina.

This witness has information about matters related to Whitten Center and DDSN, including, but not limited to the investigation by DOJ and P&A, matters related to funding paid to private corporations by DDSN, other matters related to abuse, neglect and exploitation of consumers, including, but not limited to sexual abuse, reporting and investigation of incidents, fica taxes and other issues related to this litigation.

i. Anderson DSN Board and employees, former employees, directors, former directors, members of the board of directors and former members of the board of directors and contractors/agents of this organization.

These persons have information about matters related to services provided by DDSN and the Anderson DSN Board, abuse, neglect and exploitation of clients, workshops and funding, budget reductions, exploitation of clients, workshops, reporting and investigation of incidents, fica taxes and other benefits and other issues related to this litigation.

j. Greenville DSN Board (Thrive Upstate) and employees, former employees, directors, former directors, members of the board of directors and former members of the board of directors and contractors/agents of this organization.

These persons have information about matters related to services provided by DDSN and the Greenville DSN Board (Thrive Upstate), abuse, neglect and exploitation of clients, workshops and funding, budget reductions, exploitation of clients, workshops, reporting and investigation of incidents, fica taxes and other benefits, financial issues related to funding and other issues related to this litigation.

k. Roxie Kincannon

Greenville, South Carolina

As the former chairman of the Greenville DSN Board, Ms. Kincannon has information about the administration of programs at issue in this case, retaliation and failure to report and investigate abuse, neglect and exploitation and other matters at issue in this litigation.

l. Pam Corley

Greer, South Carolina

Ms. Corley has information related to the operation of local DSN Boards and workshops, investigation of abuse and neglect of clients and other matters at issue in this litigation.

m. Jackie Walker

Address unknown.

Ms. Walker has information related to service and coordination and retaliation, workshops and services provided by DDSN/DHHS and other matters related to this litigation.

n. USDHHS Office of Inspector General

Ms. Lori S. Pilcher or other auditor(s) involved in DDSN investigations.

Regional Inspector General for Audit Services

Department of Health and Human Services

Office of inspector General

Office of Audit Services, Region IV

61 Forsyth Street, SW, Suite 3T41

Atlanta, Georgia 30303

The US DHHS Office of Inspector General has information related to investigations of DDSN programs, include findings in audits/investigations of DDSN and DHHS and other matters related to this litigation.

o. Anthony Keck

Formerly of SC Department of Health and Human Services

1801 Main Street

Columbia, SC 29202

803-898-2580

Mountain States Health Alliance

Johnson City Medical Center

Johnson City, Tennessee

423 431 6111

Keck has information related to DDSN billing Medicaid for more than the cost of

services and his attempts to do away with the “band” system. He also has information on abuse, neglect and exploitation of clients and about attempts to require DDSN to spend excess funds account to provide services, in addition to other information related to the operation of Medicaid programs and issues related to this litigation. He has information related to audits conducted by DHHS and DDSN and the reasons for aborting the audit of DDSN programs.

p. Kenni Howard, RN

Health Insurance Specialist

Division of Medicaid and Children's Health Operations

Centers for Medicare and Medicaid Services

61 Forsyth St. S.W., Suite 4T20

Atlanta, GA 30303-8909

404-562-7413

[kenni.howard@cms.hhs.gov](mailto:kenni.howard@cms.hhs.gov)

Kenni Howard has information on the administration of Medicaid programs and other matters related to this litigation.

q. Christian Soura

SC Department of Health and Human Services

1801 Main Street

Columbia, SC 29202

803-898-2580

Mr. Soura has information related to the Office of the Governor, the administration of Medicaid programs, misuse of Medicaid funds, amendments to the Medicaid waivers and the administration of Medicaid programs and other matters related to this litigation.

r. Peter Ligett

SC Department of Health and Human Services

1801 Main Street

Columbia, SC 29202

803-898-2580

Mr. Ligett has information related to the Office of the Governor, the administration of Medicaid programs, misuse of Medicaid funds, amendments to the Medicaid waivers

and the administration of Medicaid programs and other matters related to this litigation.

- s. Tan Platt, MD  
SC Department of Health and Human Services  
1801 Main Street  
Columbia, SC 29202  
803-898-2580

Dr. Platt has information related to contracts with DDSN and other Medicaid funded providers, contracts with USC School of Medicine, the administration of Medicaid programs, abuse and neglect in DDSN programs, and the administration of Medicaid programs and other matters related to this litigation.

- t. Elizabeth Hutto  
SC Department of Health and Human Services  
1801 Main Street  
Columbia, SC 29202  
803-898-2580

Ms. Hutto has information related to the “fair hearing” process, eligibility for services, the administration of Medicaid programs, misuse of Medicaid funds, amendments to the Medicaid waivers and the administration of Medicaid programs and other matters related to this litigation.

- u. George Maky  
SC Department of Health and Human Services  
1801 Main Street  
Columbia, SC 29202  
803-898-2580

Ms. Maky has information related to the administration of DHHS and DDSN programs, including, but not limited to abuse/neglect, financial issues, computer information, relationships with other executive branch entities/persons, administrative appeals, court cases, settlements, waiver amendments, the failure to conduct cost studies and other matters related to this litigation.

- v. Mary K. Justis  
Address to be provided.

Ms. Justice has information related to the administration of the waiver programs in the Southeast, South Carolina and the nation, waiver amendments, and other issues related to Medicaid programs. She has discoverable information about the operation

of Medicaid programs in SC, including but not limited to the approval of amendments of the Medicaid waiver program and other matters related to this litigation.

- w. Eugene A. Laurent  
Address to be provided.

Dr. Laurent has information regarding Medicaid programs and housing related issues, along with other information related to DDSN and DHHS programs, including, but not limited to the Office of the Governor, CMS, the Budget and Control Board and the General Assembly and other matters related to this litigation.

- x. Patrick O'Malley  
Office of the Inspector General  
110 Centerview Drive  
Columbia, SC 29210.

Mr. O'Malley has information regarding audits and investigations of DDSN and DHHS programs and the relationships between DDSN Commissioners, the executive branch, including, but not limited to the Governor and other matters related to this litigation.

- y. Sandra Ray  
120 Killian Point Circle  
Chapin, SC 29036  
803-603-7796

Ms. Ray has information about Medicaid programs in South Carolina, matters related to the ADA and the Medicaid Act and DDSN, risk management and other information related to disabled persons and this litigation.

- z. Stanley Butkis  
MENTOR  
3600 Forest Drive  
Columbia, South Carolina  
803-799-9025

Dr. Butkus has information related to Medicaid programs and programs operated by DDSN and DHHS and private providers, capitated funding and his history of employment and contracts, amendments to the waivers, purported "budget reductions, abuse, neglect and exploitation and other matters related to this litigation..

- aa. Beverly Buscemi  
Thomas Waring

Kevin Jacobi  
Shondola Hall  
Janet Priest  
SC DDSN  
P.O. Box 4706  
3440 Harden Street Ext.  
Columbia, SC 29240  
803-898-9743

These witnesses are have information regarding DDSN and DHHS programs, the executive branch, Medicaid, persons with disabilities, abuse and neglect, retaliation and the policies of the agencies, and other matters related to the litigation in this case.

bb. Kathy Lacy  
Formerly of SCDDSN  
P.O. Box 4706  
3440 Harden Street Ext.  
Columbia, SC 29240  
803-898-9769

William Barfield  
Formerly of SCDDSN  
P.O. Box 4706  
3440 Harden Street Ext.  
Columbia, SC 29240  
803-898-9769

Ms. Lacy and Mr. Barfield has information related to DDSN and DHHS programs, including, but not limited to financial matters, contracts with DDSN and DHHS, the “Cloud”, waiver amendments and other matters related to the litigation in this case.

cc. Marsha Lindsey  
SC Legislative Audit Council  
1331 Elmwood Street, Suite 315  
Columbia, SC 29201  
803-253-7612

Ms. Lindsey has information related to audits of DDSN and DHHS programs and other issues related to the litigation in this case.

dd. Susan Lait  
308 Turkey Run  
Pickens, SC 29671  
864-878-4567

Ms. Lait has information related to DDSN and DHHS programs and the involvement of the Governor's Office, including waiver amendments and other matters related to the litigation of this case.

ee. Deborah McPherson  
304 Valley Springs Road  
Columbia, SC 29223  
803-788-6722

Ms. McPherson has information related to DDSN and DHHS programs and the involvement of the Governor's Office, including, but not limited to the amendments of Medicaid waivers, the State Plan, abuse, neglect and exploitation of DDSN consumers, financial exploitation of DDSN consumers, HUD payments, the ADA and the Medicaid Act, the Office of the Lieutenant Governor and neglect, abuse and exploitation and other matters related to the litigation in this case.

ff. Representative of Protection and Advocacy to be determined.  
Protection and Advocacy for Persons with Disabilities  
3710 Landmark Drive  
Suite 208  
Columbia, SC 29204  
803-782-0639

Representatives of P&A have information related to Medicaid, and DDSN/DHHS programs, the amendment to waiver programs and failure to establish reasonable standards, abuse, neglect and exploitation of DDSN consumers and other matters related to this litigation.

gg. Kirby Mitchell, Esq.  
South Carolina Legal Services  
701 S. Main Street  
Greenville, SC 29601  
864-679-3232

Mr. Mitchell has information on DDSN and DHHS programs, the Medicaid program, the Medicaid waivers, amendment to the Medicaid waivers and other matters related to the litigation in this case.

hh. Curtis M. Loftis, Jr.  
South Carolina State Treasurer  
Wade Hampton Office Building  
P.O. Box 11778  
Columbia, SC 29211

803-734-2101

Treasurer Loftis has information related to Medicaid programs, the state budget process and other matters related to this litigation.

- ii. David Thomas  
23 Wade Hampton Blvd.  
Greenville, SC 29609  
864-271-6371

Former Senator Thomas may have discoverable information about DDSN and DHHS programs and his investigations of complaints about these agencies while serving in the S.C. Senate and other matters related to this litigation.

- jj. Mary Riley  
Address to be provided.

Ms. Riley may have discoverable information about DDSN and DHHS programs related to complaints received by Senator Thomas and other matters related to the agencies and this litigation.

- kk. Lennie Mullis  
1002 Lofty Pine Drive  
Columbia, SC 29212  
803-289-4437

Ms. Mullis has information related to the administration of DDSN and DHHS programs, abuse, neglect and exploitation and investigation of incidents, funding of DDSN programs, services provided to families and consumers and other issues related to this litigation.

- ll. Nikki Haley  
Office of the Governor  
State House  
Columbia, SC

Governor Haley has information about DDSN and DHHS programs, funds allocated for Medicaid services, complaints from consumers, families, DDSN Commissioners and former Commissioners and the involvement of the Governor's Office and other matters related to this litigation.

- mm. Scott English  
Address to be provided

Mr. English has information related to the involvement of Governor Sanford and

DHHS in the scheme to limit services based on false claims of budget reductions and other matters related to this litigation.

nn. Mark Sanford

530 Jonnie Dodds Blvd.  
Mt. Pleasant, SC29464  
843-352-7572

Mr. Sanford has information related to DDSN and DHHS programs, abuse, neglect and exploitation of clients and the involvement of the Governor's Office in DDSN and DHHS programs and other matters related to this litigation.

oo. Mary Katherine Bagnal

Senior Matters  
2711 Middleburg Drive  
Suite 107  
Columbia, SC 29204  
803-779-1181

Ms. Bagnal has information related to DDSN and DHHS programs, the involvement of the Governor's Office, retaliation by DDSN and DHHS, needs of severely disabled persons who wish to remain in the community, provision of services in the least restrictive setting and other matters related to this litigation.

pp. Richard Eckstrom, CPA

South Carolina Comptroller General  
305 Wade Hampton Office Building  
1200 Senate Street  
Columbia, SC 29201  
803-734-2121

Mr. Eckstrom has information related to funding of DDSN and DHHS programs, the state budget, unspent funds, other funds possessed by DDSN and DHHS, the rainy day fund, the sale of real estate owned by DDSN, the DDSN excess funds account, DDSN funds being paid to the Budget and Control Board without authorization of the General Assembly and other matters related to this litigation.

qq. Ralph K. "Tripp" Anderson, III

South Carolina Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street  
Suite 224  
Columbia, SC 29201  
803-734-0550

This witness has information regarding “fair hearing” appeals and the administration of the South Carolina Administrative Law Court, his relationship with the Governor’s Office and other executive branch entities and the legislative branch and other matters related to this litigation.

rr. Robert Kerr  
Kerr and Company  
1201 Lincoln Street  
Columbia, SC 29201  
803-978-6161

Mr. Kerr has information related to mismanagement and misuse of funds and his inability to track the expenditure of Medicaid funds, matters related to DDSN and DHHS programs and his contracts with DHHS and/or DDSN as a private provider, DDSN/DHHS funding issues, including, but not limited to capitated funding, audits of DDSN conducted under his supervision, his involvement with LAC audits and other matters related to this litigation, including, but not limited his work for DDSN and a lobbyist and his contacts with members of the General Assembly, abuse, neglect and exploitation of DDSN clients, complaints by families, providers and DDSN Commissioners re retaliation, and other matters related to this litigation.

ss. Nancy Banov  
56 Rebellion Road  
Charleston, SC 29407  
843-556-4632

Ms. Banov has information about DDSN and DHHS programs and the involvement of the Governor’s Office, retaliation in DDSN programs, abuse, neglect and exploitation of clients, claims of “budget reductions” and the reasons for capping services and other matters related to this litigation.

tt. Kara Lewis  
c/o SC Department of Health and Human Services  
1801 Main Street  
Columbia, SC 29202  
803-898-2580

Ms. Lewis has information related to DDSN and DHHS programs, the implementation of caps on services, the roles of the service coordinator and physician, assessments of DDSN consumers, the failure to promulgate regulations and failure to provide services with reasonable promptness and other matters related

to this litigation.

uu. Steven Jeffcoat  
339 Lambeth Court  
Columbia, SC 29210  
803-796-7058

Mr. Jeffcoat has information related to the accounting and data systems used by DDSN, operation of the waiver and other Medicaid programs and the expenditure of funds allocated by the General Assembly for purposes other than those intended, the involvement of the Governor's Office in the administration of DDSN programs and other matters related to this litigation.

vv. Ralph Courtney  
Aiken County DSN Board  
P.O. Box 698  
Aiken, SC 29802  
803-642-8811

Mr. Courtney is believed to have information related to the operation of DDSN and DHHS programs, meetings of providers with Anthony Keck and Christian Soura, the prohibition against direct billing, in violation of federal law, retaliation in DDSN programs, funding system used by DDSN and DHHS, use of HUD funds and calculation of room and board and other matters related to the operation of DDSN/DHHS programs and services and this litigation.

ww. Carolyn Myers  
106 Hunt Club Lane  
Camden, SC 29020  
803-432-0931

Ms. Myers has information related to DDSN and DHHS programs, retaliation against guardians, families, providers and consumers, information related to waiver amendments and other matters related to this litigation.

xx. Sandra Timpson and other family members of Johnny Timpson  
c/o Robert C. Childs, III  
2100 Poinsett Highway  
Suite D  
Greenville, SC 29609  
864-242-9997

Ms. Timpson has information regarding matters related to the care and supervision of

Johnny Timpson, injuries he sustained while in DDSN programs, the failure to provide services in the amount, duration and scope necessary with promptness, and other matters related to the operation of DDSN and DHHS programs and this litigation.

yy. Jeff Saxon

SC Department of Health and Human Services

Mr. Saxon has information related to the DDSN and DHHS Medicaid programs, the improper use of Medicaid funds to bail out the Greenville DSN Board and other matters related to this litigation.

zz. Janet Priest

SC Department of Disabilities and Special Needs  
Columbia, South Carolina

Ms. Priest has information related to the amendments of the Medicaid waivers, placing caps on services, the role of the physician and service coordinator, the failure to promulgate regulations, the administration of DDSN and DHHS programs and other matters related to this litigation.

aaa.USDHHS Office of Inspector General

Ms. Lori S. Pilcher or other auditor(s) involved in DDSN investigations  
Regional Inspector General for Audit Services  
Department of Health and Human Services  
Office of Inspector General  
Office of Audit Services, Region IV  
61 Forsyth Street, SW, Suite 3T41  
Atlanta, Georgia 30303

Subjects of investigation include findings in audits/investigations of DDSN.

bbb.Rick Magner

Charleston County DSN Board  
Charleston, SC

Mr. Magner has information related to DDSN and DHHS programs, services needed to provide care in the least restrictive setting, prohibitions against direct billing in violation of federal law, matters related to claims of "budget reductions," funding of waiver and other Medicaid programs, and other matters related to this litigation.

This list may be supplemented.

**A.A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

RESPONSE:

Investigation is ongoing and this list will be supplemented as additional information becomes available.

- a. Documents related to the amendment of Medicaid waivers.
- b. Emails to/from CMS employees.
- c. Office of USDHHS Inspector General reports re DDSN and local DSN Boards.
- d. Reports of SC Office of Inspector General re DDSN and DHHS.
- e. Unequal Justice for South Carolinians report by P&A.
- f. No Place to Call Home report by P&A.
- g. LAC audits of DDSN and DHHS.
- h. Reports from Anderson County Sheriff's Office and medical records related to Johnny Timpson.
- i. Plaintiffs' counsel have in their possession electronically stored documents filled in the following cases that may be used as exhibits:

Kobe v. Haley  
Stogsdill v. DHHS  
Peter B. v. Sanford  
Doe v. Kidd

- j. Plaintiffs are also in possession of records obtained from the Anderson DSN Board in response to their requests for records related to Johnny Timpson.
- k. Budget and Control Board, DDSN, MCAC DSN local board Minutes are available on the respective agencies' websites.
- l. DDSN Directives are available on their website.
- m. Media reports of abuse, neglect and exploitation of clients and reductions of services.
- n. Letter from psychiatrist of Johnny Timpson.
- o. Reports related to sheltered workshops and integrated employment.

Copies of these records/documents are available for review and copying.

**A.A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.**

RESPONSE:

- 1. Mental Anguish and Suffering:  
Not subject to mathematical calculation prior to trial, to be determined by a jury.
- 2. Physical Anguish, Pain and Suffering:  
Not subject to mathematical calculation prior to trial, to be determined by a jury.
- 3. Value of Services Withheld:  
To be determined during discovery.
- 4. Medical Expenses:  
To be determined during discovery.
- 5. Loss of Societal Relations:  
Not subject to mathematical calculation prior to trial, to be determined by a

jury.

6. Value of services provided by Sandra Timpson:  
To be determined during discovery based on hourly rate paid to PCA II caregivers in effect at time of payment.
7. Attorney's Fees and Costs:  
To be Determined during the course of litigation.

**A. Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

RESPONSE: None.

Respectfully submitted,

s/ Robert C. Childs, III  
Robert C. Childs, III, #1218  
Attorney for Plaintiff  
2100 Poinsett Hwy, Suite D  
Greenville, SC 29609  
(864) 242-9997  
Fax (864) 242-9914

s/ Patricia L. Harrison  
Patricia L. Harrison  
611 Holly Street  
Columbia, SC 29205  
pharrison@loganharrisonlaw.com  
(803) 256-2017

June 30, 2016

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Johnny Timpson, by and through his  
Conservator, Sandra Timpson, and Sandra  
Timpson, in her individual capacity,

Plaintiffs,

v.

Nikki Haley *et al.*

Defendants.

C/A No.: 6:16-cv-01174-MGL

**FED. R. CIV. P. 26(a)(1)  
DISCLOSURES ON BEHALF OF  
DEFENDANTS CHRISTIAN SOURA  
AND THE SOUTH CAROLINA  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

The Defendants Christian Soura and the South Carolina Department of Health and Human Services (hereinafter collectively “these Defendants”), through their undersigned counsel, respond to the Fed. R. Civ. P. 26(a)(1) Disclosures as follows:

(i). The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support their claims or defenses, unless solely for impeachment, identifying the subjects of the information.

ANSWER: Current or former employees of the South Carolina Department of Disabilities and Special Needs (“SCDDSN”) and/or the Tiny Greer CTHII who, upon information and belief, are identified as follows:

Sandy Austin  
Kendrick Aye  
Mary Burts  
Sharon Cooley  
Prentice Donaldson  
Rashad Foggie  
Trisha Hardy, RN  
Rebecca Henderson  
Margaret Hunt  
Aaron Jones  
Anthony Walker

Kenneth White  
Rebecca Wilson, LPN

Counsel does not have the addresses or telephone numbers of the witnesses.

The subjects of the witnesses' information relate to allegations of abuse and/or neglect by the plaintiffs, investigations, reports, eye witness testimony contrary to the allegations as well as personal observations regarding Johnny Timpson.

Tammy S. Keller (Ombudsman Investigator)  
**Lt. Governor's Office on Aging**  
1301 Gervais Street, Suite 350  
Columbia, SC 29201  
803-734-9900

The subject of the witness's testimony relates to allegations of abuse and/or neglect and the investigation and reports related thereto.

Current or former employees of the Anderson County Sheriff's Office who, upon information and belief, are identified as follows:

Sandy Chapman  
Shawn Dunlap  
K.E. Elrod  
Cpl. T.L. Johnson  
Jared Sparkman  
**Anderson County Sheriff's Office**  
305 Camson Road  
Anderson South Carolina, 29625  
865-260-4400

The subject of the witnesses' testimony relates to allegations of abuse and/or neglect and the investigation and reports related thereto.

Lt. Siniard  
**South Carolina Law Enforcement Division**  
4400 Broad River Road  
Columbia, SC 29210  
803-737-9000

The subject of the witness's testimony relates to allegations of abuse and/or neglect and the investigation and reports related thereto.

Angela Timpson  
Address and Telephone Number Unknown

The subject of the witness's testimony relates to her knowledge and observations of Johnny Timpson, the care he received, and possible character evidence regarding Sandra Timpson.

Sandra Timpson

Plaintiffs' counsel is in possession of the witnesses contact information.

The subject of the witness's testimony relates to the unsubstantiated reports of abuse and neglect.

These Defendants reserves the right to call any witnesses who may be identified by any other party in their disclosures.

(ii). A copy of—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless that use would be solely for impeachment.

ANSWER: Defendants are in possession of reports regarding alleged abuse and neglect, investigations by SCDDSN, local and state agencies.

(iii). A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on nature and extent of injuries suffered.

ANSWER: Not applicable.

(iv). For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

ANSWER: Upon request, a copy of the applicable insurance agreement will be made available for inspection and copying at a mutually convenient time and location.

These Defendants specifically reserves the right to supplement these responses in the event additional information becomes available.

RILEY POPE & LANEY, LLC

s/ Damon C. Wlodarczyk  
Damon C. Wlodarczyk, Fed. I.D. No. 9487  
Post Office Box 11412  
Columbia, South Carolina 29211  
Telephone: (803) 799-9993  
Facsimile: (803) 239-1414

Attorneys for Defendants Soura and the  
South Carolina Department of Health and  
Human Services

Columbia, South Carolina  
June 30, 2016

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Johnny Timpson, by and through his  
Conservator, Sandra Timpson, and Sandra  
Timpson, in her individual capacity,

Plaintiffs,

v.

Nikki Haley *et al.*,

Defendants.

C/A NO.: 6:16-CV-01174-MGL

**CERTIFICATE OF SERVICE**

(Our File No.: 5021.00416)

This is to certify that I have this day caused to be served upon the persons named below the attached **Fed. R. Civ. P. 26(a)(1) Disclosures on Behalf of Defendants South Carolina Department of Health and Human Services and Christian Soura** in the above-captioned matter via United States mail, first-class postage prepaid:

Robert C. Childs III, Esq.  
**Childs Law Firm**  
2100 Poinsett Highway  
Suite E  
Greenville, SC 29609

Patricia L Harrison, Esq.  
**Patricia Logan Harrison Law Office**  
611 Holly Street  
Columbia, SC 29205

Knox L Haynsworth III, Esq.  
**Brown Massey Evans McLeod and Haynsworth**  
PO Box 2464  
Greenville, SC 29602

James William Logan, Jr, Esq.  
**Logan Jolly and Smith**  
PO Box 259  
Anderson, SC 29621

Patrick John Frawley, Esq.  
**Davis Frawley**  
PO Box 489  
Lexington, SC 29071-0489

Kenneth Paul Woodington, Esq.  
**Davidson, Morrison and Lindemann**  
PO Box 8568  
Columbia, SC 29202-8568

s/Damon C. Włodarczyk  
Damon C. Włodarczyk

Columbia, South Carolina  
June 30, 2016

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Johnny Timpson, by and through his )  
 Conservator, Sandra Timpson, and Sandra )  
 Timpson, in her individual capacity, )  
 )  
 Plaintiffs, )

CIVIL ACTION NO. 6:16-cv-01174-MGL

vs. )

Nikki Haley, Governor of the State of South )  
 Carolina, the Anderson County Disabilities and )  
 Special Needs Board, Horace Padgett, )  
 Chairman of the Anderson County Disabilities )  
 and Special Needs Board, Dale Thompson, )  
 former executive director of the Anderson )  
 County Disabilities and Special Needs Board, )  
 John King, current director of the Anderson )  
 Disabilities and Special Needs Board, and The )  
 South Carolina Department of Disabilities and )  
 Special Needs (DDSN), William Danielson, )  
 Chairman DDSN Commission, Beverly )  
 Buscemi, Director of The South Carolina )  
 Department of Disabilities and Special Needs, )  
 The South Carolina Department of Health and )  
 Human Services, Christian Soura, Director of )  
 the South Carolina Department of Health and )  
 Human Services, the Greenville County )  
 Disabilities and Special Needs Board, and )  
 Unknown Actors at the Anderson Disabilities )  
 and Special Needs Board, and Unknown )  
 Actors at the Greenville County Disabilities )  
 and Special Needs Board, )  
 )  
 Defendants. )

**DEFENDANTS' ANDERSON COUNTY  
 DISABILITIES AND SPECIAL NEEDS  
 BOARD, HORACE PADGETT, DALE  
 THOMPSON, AND JOHN KING  
 JOINT DISCLOSURES  
 UNDER Fed.R.Civ.P.  
 26(a)(1)**

Pursuant to Rule 26(a)(1), Fed.R.Civ.P., the Defendant s Anderson County Disabilities and Special Needs Board (hereinafter "ACDSNB"), Horace Padgett, Dale Thompson, and John King jointly make the following disclosures:



1. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

**RESPONSE:** In addition to witnesses named by the Plaintiffs or co-Defendants, the Defendants ACDSNB, Padgett, Thompson, and King add the following:

A. Tyler Rex—available through the address and telephone number of the undersigned Counsel—Mr. Rex has knowledge as to his employment as Executive Director with the Defendant ACDSNB since March 1, 2016, to the records of Mr. Timpson generated and kept in the ordinary course of business for ACDSNB, and to any knowledge he may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB.

B. Horace Padgett—available through the address and telephone number of the undersigned Counsel—Mr. Padgett has knowledge of his service as Chairman of the Defendant ACDSNB, to the scope of his duties and the level of his involvement—or non-involvement—with the Plaintiff Johnny Timpson, and to any knowledge he may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB and himself.

C. Dale Thompson—available through the address and telephone number of the undersigned Counsel, Mr. Thompson has knowledge of his former employment as Executive Director of the Defendant ACDSNB, to the scope of his duties and the level of his involvement—or non-involvement—with the Plaintiff Johnny Timpson, and to any knowledge he may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB and himself.

D. John King— available through the address and telephone number of the undersigned Counsel, Mr. Thompson has knowledge of his former employment as Director of the Defendant ACDSNB, to the scope of his duties and the level of his involvement—or non-involvement—with the Plaintiff Johnny Timpson, and to any knowledge he may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB and himself.

E. Sandy Chapman—available through the address and telephone number of the undersigned Counsel, Ms. Chapman has knowledge of her employment and service with the Defendant ACDSNB as Case Manager, to the scope of her duties and the level of her involvement with the Plaintiffs Johnny Timpson and Sandra Timpson in that capacity, and to any knowledge she may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB and the other Defendants.

**F. Lawrence A. Walker**—available through the address and telephone number of the undersigned Counsel, Mr. Walker has knowledge of his employment and service with the Defendant ACDSNB as Associate Residential Director, to the scope of his duties and the level of his involvement with the Plaintiff Johnny Timpson in that capacity, and to any knowledge he may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB and the other Defendants.

**G. Jerrel Lynn King**—available through the address and telephone number of the undersigned Counsel, Ms. King has knowledge of her employment and service with the Defendant ACDSNB as Director of Family Support Services, to the scope of her duties and the level of her involvement with the Plaintiffs Johnny Timpson and Sandra Timpson in that capacity, and to any knowledge she may have of the facts and circumstances of the Plaintiffs' claims against ACDSNB and the other Defendants.

These Defendants reserve the right to supplement this response with any additional witnesses who may be identified through the course of discovery in this matter.

2. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

**RESPONSE:** The Defendant ACDSNB has the case file for the Plaintiff Johnny Timpson from 1996 through 2013, including 2077 pages Case Management Documents, 180 pages Residential Backup Documents, and 326 pages Critical Incident Reports.

The individual Defendants Padgett, Thompson, and King have no such material within their possession, custody, or control.

These Defendants reserve the right to supplement this response in the event that they, or their attorneys, come into possession, custody, or control of any such material over the course of discovery in this matter.

3. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary

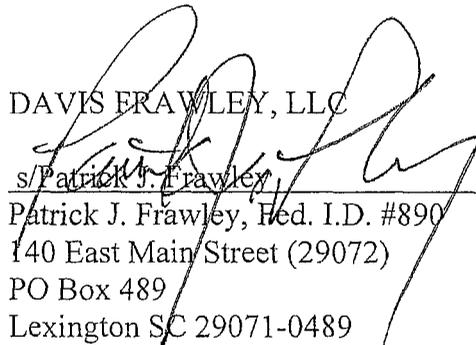
material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

**RESPONSE: None; these Defendants claim no damage.**

4. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**RESPONSE: Upon request, the insurance policy maintained by the South Carolina Insurance Reserve Fund will be made available for inspection and/or reproduction.**

DAVIS FRAWLEY, LLC

  
s/ Patrick J. Frawley  
Patrick J. Frawley, Fed. I.D. #890  
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(803) 359-2512; F: (803) 359-7478  
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[jmaye@oldcourthouse.com](mailto:jmaye@oldcourthouse.com)

ATTORNEYS FOR DEFENDANTS  
ANDERSON COUNTY DISABILITIES AND  
SPECIAL NEEDS BOARD, HORACE  
PADGETT, DALE THOMPSON, AND JOHN  
KING

Lexington, South Carolina  
June 30, 2016.