

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DISABILITY RIGHTS MISSISSIPPI**

**PLAINTIFF**

**V.**

**CAUSE NO. 3:22-cv-142-KHJ-MTP**

**MISSISSIPPI DEPARTMENT OF MENTAL  
HEALTH**

**DEFENDANT**

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**COMPLAINT**  
*For Declaratory and Injunctive Relief*

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Plaintiff, DISABILITY RIGHTS MISSISSIPPI (“DRMS”), is the Protection and Advocacy System (“P&A”) for individuals with disabilities in Mississippi. DRMS advocates for and protects the civil rights of individuals with disabilities in this State through, among other means, investigating allegations of abuse or neglect. In the course of such investigations, DRMS is authorized to access records of individuals with disabilities<sup>1</sup>. Defendant, Mississippi Department of Mental Health (“DMH”) has again denied DRMS access to records to which it is legally entitled. By this action, DRMS seeks an order from this Court requiring Defendant to provide the requested information so that DRMS may discharge its statutory duties and investigate the alleged neglect of an individuals with a developmental disability and/or a mental illness. In support of the same, DRMS provides as follows:

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<sup>1</sup> This authority was first codified through the passage of the Protection & Advocacy for People with Developmental Disabilities (PADD) Act, 42 U.S.C. § 15043(a)(2)(B). Over time, Congress extended the protections of the PADD Act, incorporating them by reference into legislation protecting persons with other forms of disabilities. This includes both the Protection & Advocacy for Individual Rights (PAIR) Act, 29 U.S.C. § 794e(f)(1), and the Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) Act, 42 U.S.C. § 300d-53 (eff. April 28, 2008). Similarly, Congress expanded the P & A system through passage of the Protection & Advocacy for Individuals with Mental Illness (PAIMI) Act 42 C.F.R. § 51.42(c)(2) and the Protection & Advocacy for Beneficiaries of Social Security (PABSS). The Ticket to Work and Work Incentives Improvement Act of 1999, as amended, 42 U.S.C. § 1320b-21 governs funding of P&A systems.

## **I. INTRODUCTION**

1. This action seeks to enjoin DMH from continuing to violate federal and state laws that grant DRMS reasonable access its records and persons for the purpose of fulfilling its mandate as the protection and advocacy agency for people with disabilities in Mississippi.
2. Due to Defendant's continuing violation of federal and state law, DRMS seeks declaratory, preliminary, and permanent injunctive relief to enjoin Defendants from denying reasonable access following DRMS' determination of probable cause to investigate facilities operated by DMH.
3. DRMS files this suit and seeks relief as described after making efforts to resolve this matter with DMH. DRMS also seeks costs and any other available relief.
4. Each paragraph of this Complaint incorporates all other without specific restatement.

## **II. JURISDICTION AND VENUE**

5. Jurisdiction is vested in this Court as this case raises a question of general federal law, 28 U.S.C. §1331, and under this Court's supplemental jurisdiction as to Plaintiff's state law claims pursuant to 28 U.S.C. §1367.
6. Plaintiff's cause of action arises under the Protection and Advocacy for Individuals with Mental Illness Act of 1986 ("PAIMI Act"), 42 U.S.C. §10801 *et seq.*; the Developmental Disabilities Assistance and Bill of Rights Act of 2000 ("PADD Act"), 42 U.S.C. §15041 *et seq.*; the Protection and Advocacy for Individual Rights Act ("PAIR Act"), 29 U.S.C. §794(e).
7. Costs may be awarded pursuant to Fed. R. Civ. P. 54.
8. Venue is proper in this Court under 28 U.S.C. §1391(b). Defendant's main office of operations is located in this district.

### III. PARTIES

9. Plaintiff, DISABILITY RIGHTS OF MISSISSIPPI, is a non-profit corporation duly incorporated in the state of Mississippi. DRMS is designated by the Governor of the State of Mississippi as the protection and advocacy system for people with disabilities in Mississippi. DRMS files this complaint in its own name to redress injuries to itself in fulfilling its mandate to protect and advocate for the rights of people with disabilities.
10. DRMS is located at 5 Old River Place, Suite 101, Jackson, Mississippi 39202.
11. Congress established the protection and advocacy (“P&A”) system in 1975 to protect and advocate for the rights of persons with developmental disabilities, and reauthorized the system in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (the “PADD Act”). 42 U.S.C. § 15041 *et seq.* Congress provided P&A systems with the authority to investigate incidents of abuse and neglect against individuals with developmental disabilities and pursue legal, administrative, and other remedies on their behalf. 42 U.S.C. § 15043(a). Congress thereafter expanded the scope of the P&A system to provide protection and advocacy services to all persons with disabilities. The Protection and Advocacy for Individuals with Mental Illness Act of 1986 (the “PAIMI Act”) provides for the protection of rights of individuals with mental illness, 42 U.S.C. § 10801 *et seq.*; and the Protection and Advocacy of Individual Rights Program (the “PAIR Act”) was created to protect the rights of all other individuals with disabilities who are not covered under the PADD and PAIMI Acts. 29 U.S.C. § 794e *et seq.*
12. Pursuant to these laws, DRMS has a federal mandate to protect and advocate for the rights of persons with disabilities in Mississippi, including those that are under the care of DMH in its facilities. Among other activities, DRMS travels across the state of Mississippi, regulating monitoring facilities and investigating allegations of abuse and neglect.

13. Defendant, MISSISSIPPI DEPARTMENT OF MENTAL HEALTH, is a state agency that provides mental health care to Mississippians who have developmental/intellectual disabilities, mental health illness, and other disabilities.
14. Mississippi's mental health service delivery system is comprised of three major components: 1) state-operated programs and community service programs, 2) regional community mental health centers, 3) and other nonprofit/profit service agencies/organizations.
15. DRMS conducts regular monitoring, rights training, and, when necessary, investigations at DMH facilities and has done so for many years.
16. DMH's main office overseeing operations of its facilities is located at 1101 Robert E. Lee Building, 239 N. Lamar Street, Jackson, Mississippi 39201.
17. Individuals with mental illness, developmental disabilities, and/or other physical or mental impairments that substantially limit one or more major life activities of such individuals are institutionalized at DMH facilities across the state.
18. Individuals who are institutionalized at DMH facilities receive care, treatment, services, supports, and habilitation, including, but not limited to: screening, evaluation, counseling, behavioral therapies, medication treatment and supervision, assistive devices, and special education services.
19. Facilities operated by DMH are a facilities as defined in 42 U.S.C. §10802(3) and 42 C.F.R. §51.2.
20. DMH facilities are service providers, as provided in 42 C.F.R. §1326.27(c), because services, supports, and other assistance are provided there to individuals with disabilities.

#### **IV. FACTUAL HISTORY**

21. DRMS, as the designated P&A for the State of Mississippi, regularly and routinely monitors all facilities under the oversight of DMH. If, at any time, DRMS determines that there is

probable cause of abuse and neglect, DRMS initiates (via written notification) an investigation.

22. In November 2021, DRMS was forced to seek the Court's assistance with DMH's refusal to provide certain records pursuant to the P&A's investigatory authority under PAIMI. While this case is still ongoing, DMH has repeatedly expressed to the Court that it typically cooperates with DRMS as the P&A for Mississippi. Unfortunately, DRMS is here, before this Honorable Court yet again, to show that is not the case.

### **DRMS INVESTIGATION OF R.F. PURSUANT TO PAIMI**

23. Following a call from the client's family, other civil rights organizations, and an article in the Clarion Ledger, DRMS initiated an investigation into the past and current treatment of R.F.
24. On March 1, 2022, DRMS sent a letter, initiating an investigation into R.F.'s treatment, which requested a copy of the entirety of R.F.'s medical records. A copy of the letter is hereto as **Exhibit A**.
25. As reflected in the Clarion Ledger article<sup>2</sup> (one of the initiating factors for DRMS' investigation), there is a question regarding the number of forensic beds at Mississippi State Hospital ("MSH") and how this affects the treatment of R.F. and others similarly situated.
26. DRMS received approximately 48 pages of medical records on March 2, 2022 which allegedly reflected R.F.'s previous time spent at MSH (December 2019-2020). Attached is the release of documents as **Exhibit B**.
27. Following an interview with the client, a review of the meager records, and further investigation, DRMS sent a second investigatory request on March 3, 2022, requesting to see the waiting list for individuals awaiting competency evaluation, the waiting list for individuals

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<sup>2</sup> Mississippi murder suspect found incompetent to stand trial remains in jail" *Clarion Ledger*, February 21, 2022, <https://www.clarionledger.com/story/news/2022/02/22/raffell-franklin-jasper-county/6830914001/>

requiring competency restoration, and a list of MSH patients who have pled ‘not guilty by reason of mental defect’. A copy of this second request is attached hereto as **Exhibit C**.

28. On March 9, 2022, DRMS received an denial letter from the Mississippi Attorney General’s Office, stating that “[. . .]DRMS has not particularized how these document requests relate to any individual of which DRMS has received a complaint or has probable cause to conclude that incidents of abuse and neglect have occurred.” Said letter is attached hereto as **Exhibit D**.

29. DMH has taken a very confusing position between all of its denials to DRMS’ access. In the instant case, DRMS requested these documents in conjunction with its investigation into potential abuse and neglect of R.F. DRMS is not required to explain to DMH the purpose of its request in connection with investigation abuse and neglect.

30. However, once again, DMH has deemed itself the judge and jury on the determination of probable cause which is not the case. Unfortunately, it is not the first time nor would it turn out to be the last.

**DRMS’ INVESTIGATION AT SOUTH MISSISSIPPI REGIONAL CENTER (“SMRC”)  
PURSUANT TO PADD**

31. DRMS was contacted by an anonymous staff ‘whistleblower’ with regards to several individuals at SMRC and potential incidents of abuse/neglect which have allegedly occurred at the facility.

32. The staff member provided intricate details of several events, including names. DRMS outlined these alleged events as well as the nine (9) patients who were named by the staff in a letter, dated March 1, 2022. This letter is attached hereto as **Exhibit E**.

33. The letter requested medical records for the individuals as well as any incident reports for the last six (6) months which mention the named individuals from the correspondence. DRMS also expressed that it intended to conduct an investigatory site visit.
34. Despite the severity and nature of the incidents outlined in the letter, SMRC did not reply until over a week later. On March 8, 2022, DRMS received a letter from NHA Program Director, Cindy Cooley, which demanded specific probable cause for each individual and correlation for each individual to the complaint. This letter is attached as **Exhibit F**.
35. The same day, DRMS responded to request the specific authority which DMH believed required DRMS to itemize its investigation requests. Attached hereto as **Exhibit G** is a copy of this response.
36. On March 9, 2022, DRMS was sent a denial letter, attached as **Exhibit H**, by the Mississippi Attorney General's Office, requesting particularization of its complaint.

## V. CLAIMS

37. Congress created the system of P&A agencies to provide assistance for people with disabilities and oversight for the providers of care and services for the same.
38. Under the P&A authority, P&As have broad authority 'to investigate incidents of abuse and neglect of individuals' with mental illness or developmental or other disabilities "if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred." U.S.C. § 15043(a)(2)(B); 42 U.S.C. § 10805(a)(1)(A); 29 U.S.C. § 794e(f)(2); see also *Miss. Prot. and Advoc. Sys., Inc. v. Cotten*, 929 F.2d 1054, 1059 (5th Cir. 1991) (interpreting the DD Act as authorizing a "broad range of services"); *In re Disability Rights Idaho Request for Ada Cnty. Coroner Records Relating to the Death of D.T.*, 168 F. Supp. 3d 1282, 1292 (D. Idaho 2016) (stating that under the PAIMI Act, P&As "are given broad authority to investigate incidents of abuse and neglect of individuals with mental illnesses"); *J.H. ex rel. Gray v. Hinds*

*Cnty.*, Civil Action No. 3:11-cv-327-DPJ-FKB, 2011 WL 3047667, at \*2 (S.D. Miss. July 25, 2011) (stating that the P&A Acts “reflect a strong public interest in protecting those with mental illnesses, and limiting a P&A service from fully exercising its authority places residents with mental illnesses at increased risk of harm”).

**First Claim for Relief: Violations of the PAIMI Act & Implementing Regulations**

39. As the designated protection and advocacy system for individuals with disabilities in Mississippi, DRMS has access to facilities in Mississippi providing care or treatment to individuals with mental illness. 42 U.S.C. § 10805(a)(3).
40. DRMS is charged to investigate instances of abuse and neglect of individuals with mental illness. 42 C.F.R. § 51.42(b).
41. DRMS is authorized to have reasonable unaccompanied access to public and private facilities and programs in the State, which render care or treatment for individuals with mental illness, and to all areas of the facility which are used by residents or are accessible to residents. 42 C.F.R. § 51.42(b)
42. The P&A system shall have reasonable unaccompanied access to residents at all times necessary to conduct a full investigation of an incident of abuse or neglect. Residents include adults or minors who have legal guardians or conservators. 42 C.F.R. § 51.42(b) and (d).
43. In accordance with this mandate, the P&A system has: access to the records of any of the following individuals with mental illness:
  - a. An individual who is a client of the P&A system if authorized by that individual or the legal guardian, conservator or other legal representative.
  - b. An individual, including an individual who has died or whose whereabouts is unknown to whom all of the following conditions apply:
    - i. The individual, due to his or her mental or physical condition, is unable to authorize the P&A system to have access.

- ii. The individual does not have a legal guardian, conservator or other legal representative, or the individual's guardian is the State or one of its political subdivisions; and
      - iii. A complaint or report has been received and the P&A system has determined that there is probable cause to believe that the individual has been or may be subject to abuse or neglect.
    - c. An individual who has a legal guardian, conservator, or other legal representative, with respect to whom a complaint or report has been received by the P&A system and with respect to whom the P&A system has determined that there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy, whenever all of the following conditions exists:
      - i. The P&A system has made a good faith effort to contact the representative upon prompt receipt of the representative's name and address;
      - ii. The P&A system has made a good faith effort to offer assistance to the representative to resolve the situation; and
      - iii. The representative has failed or refused to act on behalf of the individual. 42 C.F.R. § 51.41(b)
44. DRMS received direct complaints from the family of R.F. as well as other organizations who were concerned with the treatment of R.F. as well as others similarly situated. Additionally, DRMS had been alerted to the article in the *Clarion Ledger* regarding the issue with the forensic beds at MSH and competency testing/restoration wait lists.
45. In connection with its investigation into R.F., DRMS felt it was necessary to look at the waiting lists for competency testing/restoration as well as individuals who are residing at MSH under a plea of 'not guilty by reason of insanity or mental defect'.
46. Defendant's refusal to provide DRMS with reasonable access to the requested records violates the PAIMI Act and its implementing regulations.
47. DMH roots its argument into DRMS' alleged lack of particularization, stating that DRMS did not state how the documents relate to any individual of which DRMS has received a complaint or has probable cause to investigate.

48. This is wholly inaccurate. DRMS requested these documents by and through the open investigation of R.F. as the lists requested were part of the issue that led to the potential abuse/neglect of this individual. **But, DRMS does not have to share that with DMH.**
49. Only now, having been forced to *yet again* seek assistance from the Court, does DRMS feel (reluctantly) that it has to share its investigatory strategy.
50. Defendant's violation of the PAIMI Act and its implementing regulations frustrates and interferes with DRMS' federal mandate to protect people with disabilities in Mississippi; provide legal advocacy for people with disabilities; to conduct a reasonable and effective an investigation into these facilities; and determine whether corrective action should be taken.
51. Defendant's violation of the PAIMI Act and its implementing regulations frustrates the rights of DMH patients and residents to have access to a meaningful and effective protection and advocacy system.
52. Pursuant to 42 U.S.C. § 10805(a)(1)(B), DRMS is authorized to pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with mental illness who are receiving care or treatment in Mississippi.
53. DRMS is entitled to relief under 42 U.S.C. § 10805(a)(3) and 42 C.F.R. § 51.41(c).

**Second Claim for Relief: Violations of the PADD Act, Implementing Regulations,  
and 42 U.S.C. §1983**

54. DRMS is authorized to have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual. 42 U.S.C. § 15043(a)(2)(H).
55. DRMS is authorized to have unaccompanied access to individuals with developmental disabilities at all times necessary to conduct a full investigation of an incident of abuse and neglect. 45 C.F.R. § 1326.27(b).

56. A P&A system shall have reasonable unaccompanied access to public and private service providers, programs in the State, and to all areas of the service provider's premises that are used by individuals with developmental disabilities or are accessible to them. Such access shall be provided without advance notice and made available immediately upon request. This authority shall include the opportunity to interview any individual with developmental disability, employee, or other persons, including the person thought to be the victim of such abuse, who might be reasonably believed by the system to have knowledge of the incident under investigation. . 45 C.F.R. § 1326.27(b).
57. The P&A system has access to the records of individuals with developmental disabilities under the following circumstances:
- a. If authorized by an individual who is a client of the system, or who has requested assistance from the system, or by such individual's legal guardian, conservator or other legal representative.
  - b. In the case of an individual to whom all of the following conditions apply:
    - i. The individual, due to his or her mental or physical condition, is unable to authorize the system to have access;
    - ii. The individual does not have a legal guardian, conservator or other legal representative, or the individual's guardian is the State (or one of its political subdivisions); and
    - iii. The individual has been the subject of a complaint to the P&A system, or the P&A system has probable cause (which can be the result of monitoring or other activities including media reports and newspaper articles) to believe that such individual has been subject to abuse and neglect.
  - c. In the case of an individual, who has a legal guardian, conservator, or other legal representative, about whom a complaint has been received by the system or, as a result of monitoring or other activities, the system has determined that there is probable cause to believe that the individual with developmental disability has been subject to abuse or neglect, whenever the following conditions exist:
    - i. The P&A system has made a good faith effort to contact the legal guardian, conservator, or other legal representative upon prompt receipt (within the timelines set forth in paragraph (c) of this section) of the contact information (which is required to include but not limited to name, address, telephone numbers, and email address) of the legal guardian, conservator, or other legal representative;

- ii. The system has offered assistance to the legal guardian, conservator, or other legal representative to resolve the situation; and
    - iii. The legal guardian, conservator, or other legal representative has failed or refused to provide consent on behalf of the individual.
  - d. If the P&A determines there is probable cause to believe that the health or safety of an individual is in serious and immediate jeopardy, no consent from another party is needed. 45 C.F.R. §1326.25.
58. DRMS initiated an investigation at SMRC pursuant to PADD, outlining potentially severe abuse and neglect as to several SMRC patients.
59. While DRMS does not necessarily believe it is required to do so, it provided specifics which were given to the agency via the staff complaint as well as the individuals that were also identified by SMRC staff.
60. Again, DMH is demanding a level of particularity that it is not entitled to and is not supported by the P&A Acts. It is not DRMS' job to connect the dots of its investigation or provide specific details of its investigation and/or request.
61. For many reasons, the idea that DRMS would have to provide the level of particularity DMH is demanding is ludicrous. For example, particularization beyond what DRMS has provided could provide identifying information that would uncover the staff 'whistleblower' who reported these incidents under a guise of anonymity.
62. Defendant's refusal to allow DRMS reasonable access to records at DMH facilities violates the PADD Act and its implementing regulations.
63. Defendant's violation of the PADD Act and its implementing regulations frustrates and interferes with DRMS' federal mandate to protect people with disabilities in Mississippi; provide legal advocacy for people with disabilities; conduct a reasonable and effective investigation; and determine whether corrective action should be taken.

64. Defendant's violation of the PADD Act and its implementing regulations frustrates the rights of DMH patients and residents to have access to a meaningful and effective protection and advocacy system.
65. Pursuant to 42 U.S.C. §15043(a)(2)(A)(i), DRMS is authorized to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within Mississippi who are or who may be eligible for treatment, services, or habilitation.
66. DRMS is entitled to relief under 42 U.S.C. §15043(a)(2)(H), and 45 C.F.R. §1326.27(d).

**Third Claim for Relief: Violations of the PAIR Act, Implementing Regulations, and 42 U.S.C. §1983**

67. The PAIR Act provides DRMS with the authority to serve individuals with disabilities who are not otherwise eligible for protection and advocacy services under either the PADD Act or PAIMI Act. 29 U.S.C. §794e(a)(1).
68. The PAIR Act incorporates the same general authorities of access as are found in the PADD Act. 29 U.S.C. § 794e(f)(2).
69. DRMS is authorized to have access at reasonable times to any individual with a disability in a location in which services, supports, and other assistance are provided to such an individual. 42 U.S.C. § 15043(a)(2)(H).
70. A P&A system shall have reasonable unaccompanied access to public and private service providers, programs in the State, and to all areas of the service provider's premises that are used by individuals with developmental disabilities or are accessible to them. Such access shall be provided without advance notice and made available immediately upon request. This authority shall include the opportunity to interview any individual with developmental disability, employee, or other persons, including the person thought to be the victim of such

abuse, who might be reasonably believed by the system to have knowledge of the incident under investigation. . 45 C.F.R. § 1326.27(b).

71. The P&A system also has access to the records of individuals with disabilities under the following circumstances:
  - a. If authorized by an individual who is a client of the system, or who has requested assistance from the system, or by such individual's legal guardian, conservator or other legal representative.
  - b. In the case of an individual to whom all of the following conditions apply:
    - i. The individual, due to his or her mental or physical condition, is unable to authorize the system to have access;
    - ii. The individual does not have a legal guardian, conservator or other legal representative, or the individual's guardian is the State (or one of its political subdivisions); and
    - iii. The individual has been the subject of a complaint to the P&A system, or the P&A system has probable cause (which can be the result of monitoring or other activities including media reports and newspaper articles) to believe that such individual has been subject to abuse and neglect.
  - c. In the case of an individual, who has a legal guardian, conservator, or other legal representative, about whom a complaint has been received by the system or, as a result of monitoring or other activities, the system has determined that there is probable cause to believe that the individual with developmental disability has been subject to abuse or neglect, whenever the following conditions exist:
    - i. The P&A system has made a good faith effort to contact the legal guardian, conservator, or other legal representative upon prompt receipt (within the timelines set forth in paragraph (c) of this section) of the contact information (which is required to include but not limited to name, address, telephone numbers, and email address) of the legal guardian, conservator, or other legal representative;
    - ii. The system has offered assistance to the legal guardian, conservator, or other legal representative to resolve the situation; and
    - iii. The legal guardian, conservator, or other legal representative has failed or refused to provide consent on behalf of the individual.
  - d. If the P&A determines there is probable cause to believe that the health or safety of an individual is in serious and immediate jeopardy, no consent from another party is needed. 45 C.F.R. § 1326.25
72. In connection with its determination of probable cause, certain documents have been requested from multiple DMH facilities where DRMS monitors and represents clients.

73. Despite every effort to clarify DRMS' access authority and obtain the documents, DMH has consistently refusing to comply with this request.
74. Defendant's refusal to allow DRMS' reasonable access to records violates the PAIR Act and its implementing regulations.
75. Defendant's violation of the PAIR Act and its implementing regulations frustrates and interferes with DRMS' federal mandate to protect people with disabilities in Mississippi; provide legal advocacy for people with disabilities; conduct a reasonable and effective investigation; and determine whether corrective action should be taken.
76. Defendants' violation of the PAIR Act and its implementing regulations frustrates the rights of DMH patients and residents to have access to a meaningful and effective protection and advocacy system.
77. Pursuant to 29 U.S.C. § 794e(f)(3), DRMS is authorized to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within Mississippi who are or who may be eligible for treatment, services, or habilitation.
78. DRMS is entitled to relief under 29 U.S.C. § 794e(f)(2).

## **VI. NECESSITY FOR INJUNCTIVE RELIEF**

79. The Defendant has acted and continues to act in violation of the law as explained above.
80. DRMS and the individuals it is mandated to serve do not have an adequate remedy at law and will be irreparably harmed if Defendant is permitted to continue blocking DRMS' access to investigate incidents of abuse and neglect at its facilities.
81. Further, DRMS' probable cause notice expressly communicated that DRMS intends to initiate investigations into each of these facilities in light of the information and concerns which have been provided to the P&A.

## VII. REQUESTED RELIEF

WHEREFORE, DRMS respectfully requests the following relief:

- A. a declaratory judgment that Defendant has violated DRMS' rights under the PAIMI Act, PADD Act, and PAIR Act;
- B. a preliminary and thereafter permanent injunction requiring the Defendants to promptly provide DRMS with access to the requested records pursuant to its federally mandated P&A authority;
- C. a preliminary and thereafter permanent injunction ordering Defendants to provide timely and complete responses to all future records requests made by Plaintiff pursuant to its federally mandated P&A authority;
- D. retention of jurisdiction over this action to ensure Defendants' compliance with the mandates of the PAIMI and PADD Acts;
- E. an award of costs pursuant to Fed. R. Civ. Proc. 54 and attorney's fees; and
- F. any such other relief as the Court deems just, equitable and appropriate.

**RESPECTFULLY SUBMITTED**, this the 14<sup>th</sup> day of March, 2022.

**DISABILITY RIGHTS MISSISSIPPI**

/s/ Greta Kemp Martin

GRETA KEMP MARTIN, MSB 103672

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